



CITY OF LAS CRUCES

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
November 19, 2024 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

- Scott Kaiser, Chair
- Enrico Smith, Vice-Chair
- Jeannette Acosta, Member
- Connor Murray, Member
- Vanessa Porter, Member
- Kent Thurston, Member

BOARD MEMBERS ABSENT:

- Joaquin Acosta, Member

STAFF PRESENT:

- Chris Faivre, Deputy Director Community Development
- Sara Gonzales, Economic Development Project Manager
- Steven Bingham, Director Parks and Recreation
- David Sedillo, Public Works
- Christine Rivera, City Clerk
- Jocelyn Garrison, Legal

1. CALL TO ORDER (6:00)

Kaiser: All right. Good evening. Welcome to the November 19th City of Las Cruces Planning and Zoning Commission meeting. We'll go ahead and call this meeting to order.

2. APPROVAL OF MINUTES – October 22, 2024 Regular meeting

Kaiser: Looking for a motion to approve tonight's, excuse me. Looking for a motion to approve the minutes from the October 22nd Planning and Zoning meeting.

Je. Acosta: Mr. Chair. I make a motion to approve the minutes as presented.

Murray: I second.

Rivera: Okay. This is on approval of the minutes from 10/22. Commissioner Thurston.

1
2 Thurston: Yes.
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4 Rivera: Commissioner Smith.
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6 Smith: Yes.
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8 Rivera: Commissioner Acosta.
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10 Je. Acosta: Yes.
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12 Rivera: Commissioner Murray.
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14 Murray: Yes.
15
16 Rivera: And Chair.
17
18 Kaiser: Yes.
19

20 **October 29, 2024 Work session**
21

22 Kaiser: All right, looking for a motion to approve the October 29th work session
23 minutes.
24
25 Murray: I make a motion to approve October 29th P&Z work session minutes.
26
27 Thurston: I second.
28
29 Rivera: Okay, this is for approval of the 10/29 minutes. Commissioner Thurston.
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31 Thurston: Yes.
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33 Rivera: Commissioner Smith.
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35 Smith: Yes.
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37 Rivera: Commissioner Acosta.
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39 Je. Acosta: I abstain.
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41 Rivera: Commissioner Murray,
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43 Murray: Yes.
44
45 Rivera: And Chair.
46

1 Kaiser: Yes.

2

3 **3. CONFLICT OF INTEREST**

4

5 Kaiser: All right. Is there any conflict of interest from any of the Commissioners this
6 evening? All right, hearing none.

7

8 **4. PUBLIC PARTICIPATION**

9

10 Kaiser: We will move to public participation. Is there anybody in the audience who
11 wishes to speak on an item not related to the Realize Las Cruces
12 development code? All right. Seeing no hands.

13

14 **5. ACCEPTANCE OF THE AGENDA**

15

16 Kaiser: Will come now to accepting the agenda tonight. We have one item, that is
17 the update to the development code, otherwise known as Realize Las
18 Cruces. Can I get a motion to accept tonight's agenda?

19

20 Je. Acosta: Mr. Chair. I so move to approve tonight's agenda.

21

22 Murray: I second.

23

24 Rivera: This is on acceptance of the agenda as presented. Commissioner
25 Thurston.

26

27 Thurston: Yes.

28

29 Rivera: Commissioner Smith.

30

31 Smith: Yes.

32

33 Rivera: Commissioner Acosta.

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35 Je. Acosta: Yes.

36

37 Rivera: Commissioner Murray.

38

39 Murray: Yes.

40

41 Rivera: And Chair.

42

43 Kaiser: Yes.

44

45 **6. NEW BUSINESS**

46

1 **6.1 Case ZCA-24-02:** A request to repeal Chapters 32 through 40 and replace with
2 Chapters 32 through 38 of the City of Las Cruces Municipal Code (LCMC) and
3 adopt the Zoning Map as presented. The amendments to the land development
4 code include the revisions reviewed under Realize Las Cruces. All Council
5 Districts.
6

7 Kaiser: All right, we will move right into the main event for this evening. I just want
8 to kind of set the stage for folks in the audience. The way that this is going
9 to play out tonight, we'll hear a short presentation from staff on some of the
10 updates that may have occurred since the work session, and just a general
11 overview of the update to the development code. And then we will
12 immediately turn to public comment, so we'll open it up to those who wish
13 to speak on this topic. And then at the end of that session, we will end with
14 the Historic Preservation Committee, they wish to give a short presentation.
15 And then we will conclude the public participation session with a
16 presentation from the Home Builders Association who wishes to speak on
17 one topic within this update. And then we will turn to just discussion, open
18 discussion amongst the Commission, so we won't hold everybody hostage
19 until midnight tonight, but you're welcome to stay. So with that we'll turn it
20 over to staff for presentation.
21

22 Gonzales: Good evening, Mr. Chair and Commission. Sara Gonzales, with Economic
23 Development. Before you is the repealing of Chapters 32 through 40 and
24 replacing them with Chapters 32 through 38 of Las Cruces, Municipal Code,
25 and adopting the zoning map as presented. To start the process off, we do
26 want to you know include that we have had multiple public outreach and
27 input processes in place. Since this started in 2021, as far as Realize is
28 concerned, we've had online portals where people can provide public
29 comment, open houses, and then we've met with multiple stakeholders.
30 Our Technical Advisory Committee you know began the process two years
31 ago and went through the code and evaluated it. We've met with Home
32 Builders Association, League of Women Voters, Economic Development
33 agencies, Realtors Associations, and our engineering and design
34 community to work through some of the modifications being presented.
35 Lastly, we did hold the October 29th Planning and Zoning Commission work
36 session to finalize some of the comments to move forward.
37

38 Some of the advantages or benefits that were outlined throughout the
39 process and through the public input that staff did receive included some of
40 the site design elements which increases the density on some of these
41 properties, reduces lot widths and setbacks so it makes it more of a
42 community area where you can design multiple opportunities for housing.
43 It increased maximum heights on development, so that way you have the
44 ability to build up, and so that we sometimes you can actually increase your
45 densities there when you have smaller lots. There's also street landscaping
46 buffers and parking lot trees. And so a lot of times we see some of our

1 parking lots that don't have the vegetation that's going to create these heat
2 island effects, and so we're increasing the trees within these parking lots, if
3 they are to be developed.

4
5 Some of the housing opportunities have increased to single-family homes,
6 multifamily units, mobile homes, manufactured homes, patio homes, and
7 townhouses. This is to address our missing middles, and so giving
8 opportunities to all of our neighborhood districts to be able to develop each
9 one of these types and provide to the community and their needs. We then
10 go into our land uses that have been very susceptible to everyone is the
11 accessory dwelling units. A lot of people either want to age in place or they
12 want to have the casitas in the backyard to provide for maybe your youth
13 that are going through college and maybe don't want to live in the house or
14 provide rental assistance, and so somebody can rent those properties out
15 and actually help the people who are living on the properties. We've also
16 increased some of the intensity commercial and office land uses throughout
17 the neighborhood, so that we would create these walkable communities.

18
19 Because of what we saw through COVID in the pandemic, we also noticed
20 that nonconforming properties are very hard to come into compliance in one
21 year, so we've increased it to be a two year noncompliance. And so it gives
22 that opportunity for redevelopment to actually take place, and for people to
23 have the time to re develop properties and not be (*inaudible*) to just one
24 year. That comes down to cost and just actual viability. On our auto and
25 bicycle parking, we have removed vehicle parking in urban areas, which is
26 what it considered our infill area, mixed use corridors, town centers,
27 neighborhood centers, and we'd also include the industrial park as that was
28 also eliminated at the last Council session. One of the requirements we
29 have upped also is the replacement of your vehicle parking for 50% can
30 become bicycle parking. So we encourage you know bicycle, pedestrian
31 traffic, all modes of transportation to be done. So you can actually substitute
32 instead of having to do parking lots when they're not necessary. Lastly, we
33 go to some of our roadway cross sections. We understand that this will
34 always be a moving target and a progress. We were able to maintain at
35 least our current maximum width road which is our 120 foot cross section,
36 and still meet the needs of multimodal transportation. When we first started
37 looking at some of these designs we were way over 140 feet wide. We were
38 going to create highways. And so we've worked through those challenges
39 and came up with a cross section that's still going to meet the needs, but
40 not grow any larger than what we currently have now.

41
42 To go into some of the chapters and how this was designed, we are
43 removing essentially 32 through 40. Thirty-three and 35 were not part of
44 the scope of work when Freese and Nichols came on board to actually
45 redevelop the code. And so these would be the development impact fees
46 and your excavation and curb cuts. All the other chapters, design

standards, signs, subdivision, zoning, all of those related to development standards were reworded or redesigned. So we are proposing the new chapters, essentially 35 was excavation and curb cuts, that will now become chapter 32 in order to keep essentially Realize chapters which are one through five, in order of 34 through 38. And so those are just going to be renumbered and replaced into those. We do work off of the Municode, and so we have to renumber those in order to fit back into our model, so that's why they're just being renumbered. Everything that was reviewed will not be changed. All that information will just be transferred over and renumbered into those chapters.

Here's a zoning map that is presented that we want to move forward with as staff and represent for the City. As you can see at the entrance of the chambers we have two larger profiles of the zoning map, and we do also encourage neighbors and the committees, community members to go online, Realize Las Cruces still has an interactive map. This will tell you what your property is going to be zoned and then you can reference that in the code to see if it's still something that's applicable to your area. There's a lot of parcels throughout the City limits of Las Cruces, and we try to capture everything as far as what the zone should be reflected based on the current land use, maybe what it's adjacent to, and then how to move forward.

One of the options that we took place and did was creating the technical manual. And so a lot of our co-chapters that's why you see the elimination of essentially two chapters. This is going to be a technical manual that will be an ongoing process to ensure we are using best practices, meaning we want to be able to amend them, and not have to go through City Council's process, because that usually takes between three to four months. This will allow us to go ahead and make modifications as we see things coming in that are no longer going to be necessary or not needed, or maybe it's beneficial to the actual community. So essentially, your code is going to outline what is your requirement, and then the technical manual is going to say, how do you accomplish that requirement. This will go forward to City Council as a resolution. It does not require the Planning and Zoning Commission's approval, but staff is still, and community development, taking in comments, and so we still recommend that comments be provided so that way we ensure we're going forward with the best draft that we can to City Council.

To start off, to overview, essentially what we did on October 29th, our Planning and Zoning work session. Some of the questions came up of, how does the transition period work? Or how to how does some of these chapters come into play? So the transition period is going to be an eight month grace period. You are allowed to use either the existing or the new code. You get the choice. If you choose to use the existing code, it does

1 need to be submitted in writing, and then the submittal that you provide has
2 to be approved within one year. There will be no extensions, because we
3 do want to eventually move everybody into our new code. But you do have
4 the opportunities. Staff will be tracking them as they come in, so that way
5 we can be notifying applicants of their dues or their deadlines if they're going
6 to get close to where they don't meet that requirement and have to resubmit.
7 And then the codes cannot be combined. If you choose to take one or the
8 other, you must follow one or the other code. We cannot combine them as
9 part of the process.

10
11 Some of the concepts that were brought up on chapter two, which is our
12 historic preservation chapter, was a recommendation to have
13 deconstruction added. Staff does agree with that. We do think that
14 deconstruction can be a possible and viable way to restore some of our
15 historic buildings or use some of those materials. It may not be a
16 requirement, but it may be something that we look forward to in adding a
17 definition and say, this could be your best option, let's utilize those things.
18 As far as Mesilla Park and I believe it was discussed as Rio Grande Valley,
19 but it's actually Elephant Butte Irrigation Historic districts. These are going
20 to be districts that are, we have no problem prioritizing for 2025 to reach out
21 to the districts, because we do want people to understand that they are part
22 of a historic district. We need to define those boundaries. We need to do
23 public outreach. We need to let them know what that means for those
24 districts. Because of where we're at in this process, it's very difficult to go
25 ahead and design and say, okay, these are now going to be your regulations
26 and your requirements. But we do take into consideration that this should
27 be part of our actual code and these districts should be defined.

28
29 One of the questions came up of community development director and their
30 designees being defined. A lot of our positions here at the City are not
31 defined because we do have reclassifications. We do have positions that
32 may no longer exist, and so they're basically replaced with a different
33 position. We don't define positions in codes as the departments and their
34 directors are required to provide the services for basically the community
35 needs. And so you're going to hire staff that's going to meet those
36 requirements. We leave it as the director or their designees because we
37 don't know what changes are going to happen. That position goes away,
38 then that means we'd have to come back to Council to modify that one
39 section of code when we already have the resources through that being
40 defined as your director or your designee.

41
42 Some of the comments that were made through chapter three, which is
43 going to be our zoning chapter was to have urban areas reduced to build to
44 lines on collectors and arterials and local streets. We did modify those to
45 be reduced. So we did reduce at least the build to lines. We didn't remove
46 them, but I believe they were at 25 and 15, and so they've been reduced

1 down to 15 for arterials and then 10 for locals. There is also to add in the
2 neighborhood community overlay or neighborhood center overlays
3 community buildings, facilities, personal services, art studios, and
4 instructions. We believe those will be viable to that neighborhood and then
5 actually make that center grow. So these are a lot of things that we as staff
6 didn't identify but we actually agree with and we'll move forward with that as
7 a recommendation as well.
8

9 Adding the note under the table so that way people are aware that in our
10 urbans, our downtown centers, mixed use corridors, no parking is required.
11 Just to reiterate that it is not required and that way we enhance the
12 knowledge and the education for those are not needed. So we're leaving
13 homes allowed in NH-2 and NH-3 by right. These are going to be more of
14 our R-2s and R-3s, R-4s zoning districts. And so they make sense to
15 actually be allowed by right because they would not be those single-family
16 residential neighborhoods that you would see. Group childcare homes. We
17 did limit them to allowed by right in an NH-3, because you do see that 12 or
18 more children, it's feasible in NH-3 because those are usually located along
19 arterials or collector right-of-ways. And so you're going to be able to include
20 those traffic areas. You're going to be able to include them for the
21 neighborhood uses as well. Campgrounds allowed by right in OS1s which
22 is our open space. And so yes, they should be able to be available just like
23 a golf club or golf course would be available in an OS1. And lastly, it was a
24 change from must to be, or change from must to should be for consistency
25 on car ports. I know Commissioner Thurston brought up you know how are
26 we going to say that it's compatible? How do we know that we're going to
27 be able to get them through the process and still not have to come forward
28 through variances? And so we're going to be as close as we can be which
29 should be compatible, but working with actual community members to get
30 to the best product that they can provide.
31

32 In chapter four, there really wasn't too many comments or discussions. This
33 is going to be our subdivision chapter. And through there the main concern
34 was zoning map amendments and how someone would come forward if
35 they were going to amend the map and then have to amend Elevate Las
36 Cruces Comprehensive Plan. On page 257 of the actual code for zoning
37 map amendments it does outline that essentially City Council would be the
38 defining factor if an amendment is required. And so the zoning map
39 amendment would come in, we'd take in the application, staff would process
40 it, the Planning and Zoning Commission would provide a recommendation.
41 That recommendation may include to amend Elevate, saying that it doesn't,
42 it's not really comparable. We see that it is you know necessary but maybe
43 not comparable. And then that request goes to City Council. At that time
44 City Council will say, this is minor, this may be adjacent to a land use that's
45 already similar, and say that it may be required or not required. They also
46 have the ability to just deny the zoning map request, which would be very

1 similar to our zoning at this point in time. Last there was a request to remove
2 annexations where substantial development is not anticipated in master
3 plans. Because the idea would be is we're going to annex in property, we're
4 going to see the substantial development, and then it was who was going
5 to define substantial development. So we've removed that from the code.
6

7 Our last chapter which is going to lead into some of the access onto the
8 property. It's going to be traffic impact analysis. This is going to be your
9 roadways and then your park design elements. There was a clarification,
10 and Commissioner Thurston did bring this up as well, for rear alley access.
11 And so yes, the way that you read it was correct. And so staff actually
12 modified it to where it's going to be for two lots that are 20 feet or less. It
13 won't be for 40 feet or less, because that is our minimum standard lot size.
14 And so that's not going to help or impact anybody if every lot is going to
15 have to be required to provide alley access. So we've addressed that
16 through the code. There was a request to add that all parking is, basically
17 auto parking is required unless you're exempt because it didn't actually call
18 it out through the code that you were exempt from the provisions of mixed
19 use corridor, town centers, your urban areas. We also reflected that
20 minimum bike parking should be required in all zoning and overlay districts
21 as it was not outlined or clarified. Then there was a request to provide a
22 minimum of 200 feet of continuous street frontage, and this is when you're
23 looking at where a park is at, and so by removing the cul-de-sacs, because
24 we don't disagree that a cul-de-sac will provide those connections, we also
25 want to look at how much of that frontage is being available in order for it to
26 be accessible as well.
27

28 Lastly, it was to delete exercise stations, and with that we actually
29 implemented other improvements outlined by the Parks and Recs facilities.
30 Because we know that exercise facilities may not be on every trail system.
31 Parks was a larger discussion from our meeting, and so we'll go over a little
32 bit more of the slides to reiterate. Currently what's adopted in code and
33 then what is being proposed through the adoption of the municipal code
34 that's before you. Currently land dedication is not required nor is
35 reimbursement. Generally we see development agreements that come in
36 place for reimbursement of agreed budgeted amounts, and so that is
37 between the developer and the actual builders, and the Parks and Rec
38 Department. Land donation has occurred, but generally it's through either
39 an agreement, it's part of a planned unit development, or it's actually
40 approved through ordinance. So sometimes Council can put onto an area
41 that they want to see a park, and everybody has to donate to that park.
42

43 The park impact fee question came up as far as you know where are the
44 funding going that's currently in the park impact fee funding. There is for
45 FY25 a budget for over \$8.5 million. There's currently four neighborhood
46 parks that are in the pipeline that are not budgeted for that are going to be

1 approximately \$3.6 million. And then there's five planned community parks
2 that are not budgeted, and those are \$3 to \$10 million each. And so that's
3 where these park impact fees will be assessed to. Other park impact fee
4 projects are going to be trails, sports parks, specialty parks, and then those
5 are going to be budgeted at a later time.
6

7 What the adoption of Chapter 38 is going to do is require a three acre park
8 as a dedication, but in that it's going to have alternatives that can be
9 approved by the Parks and Rec director. So this could be a specialty park
10 that's less than three acres. That could be combination of parkland, trails,
11 and open space. So if you find something that's maybe one and a half, but
12 you can extend and create the three acres, then those can be combined.
13 Parkland that's going to be adjacent to developable vacant properties, that
14 can also be expanded in the future. That means if there's available land
15 that's going to be adjacent to a park and we can combine it, then we can go
16 ahead and say, okay, this is going to be viable and that becomes the
17 acreage that's available. Smaller acreage that is adjacent to land can be
18 purchased by the City in order to accommodate that as well. The payment
19 in lieu of became a conversation because we don't want this to become the
20 standard, this is supposed to be the alternative. We want to see the parks
21 built and them actually developed. Payment in lieu is going to happen
22 whenever you can never meet the standard or to meet those minimums.
23 And so with these alternatives it should provide more options to where
24 payment in lieu of is not necessarily taking place as often.
25

26 One of the other questions was the noxious plant list, or the plant list that's
27 going to be maintained by staff. In discussing it, because the plant list does
28 change, we're going to defer to just what's provided by NMED. So noxious
29 plants will be the ones that are not able to be planted onto properties. If turf
30 is available and you want to plant turf, you can plant turf. We're just going
31 to the noxious plant list, because that is updated based on New Mexico
32 standards and what we actually see as going to be hazards or issues.
33

34 Some of the examples that were requested were to look for parks that had
35 three acre parks that were within a quarter mile radius. There are some
36 examples from Albuquerque, and essentially it's they're a 10 mile walk. And
37 so 90% of the people that live within the area are within a 10 minute walk to
38 their neighborhood park. Other examples are Denver, Colorado, and then
39 Plano, Texas. And so yes, these little neighborhood parks are going to
40 provide to the communities that have them. The other portion is going to
41 be as some of the land that's not identified will be your industrial and
42 commercial land, so you're not going to expect to see and that's why the
43 green highlights are not visible.
44

45 So with that, completes my small presentation of our overview of October
46 29th. And so Planning and Zoning Commission, your options tonight will

1 be, "yes," this will recommend approving and repealing chapters 32 through
2 40 and replacing them with 32 through 38 and adopting the zoning map as
3 it is presented. You vote "no," this will retain the current Las Cruces
4 Municipal Code chapters of 32 through 40 with no modifications. Vote to
5 amend, this will allow you to provide any amendments that you would like
6 to move forward to City Council for consideration. And then vote to table,
7 this will postpone essentially this ordinance and then direct staff accordingly
8 to move forward.
9

10 Kaiser: Great. Thank you very much. So like I mentioned at the outset, we'll now
11 turn to public comment. So can I get just a quick raise of hands of folks who
12 wish to speak on this item tonight. I see a few. All right, so what we'll do,
13 we'll do something similar to October the work session, we'll just start on
14 this side, my left, and just pay attention to the people that are in front of you,
15 and we'll just work our way through and then we'll come over to the right do
16 the same thing. Just a reminder the historic preservation and the builders,
17 Home Builders Association, we will save you guys for the end. So we'll let
18 everybody else go first, and then we'll do historic preservation to give a
19 presentation, and then the home builders, you'll conclude the public
20 comment period with your presentation. So with that, we'll start here. And
21 I should mention I'll give everyone a minute and a half to speak, with the
22 exception of the historic preservation and the home builders. And lucky, I
23 don't have to swear you in. So just please state your name for the record
24 and you may begin.
25

26 Holtzman: Okay. My name is John Holtzman. I'm a local resident and also the chair
27 of the State Council of the New Mexico chapter of Dark Sky International. I
28 made some comments at the last work session regarding the section in
29 Realize on outdoor lighting. And I followed them up with some written
30 comments. And I appreciate the staff response to those, which I received
31 just yesterday morning. Unfortunately, they raise my level of concern about
32 the proposed ordinance. So I fully believe that the implementation of
33 responsible lighting practice has no downsides and significant upsides
34 related to safety, security, human health, and wildlife, among others.
35 Responsible lighting does not mean reducing lighting where it's needed. It
36 just attempts to avoid putting light where and when it's not needed, and to
37 control the color of light to have less adverse impacts. The current draft I
38 think needs to be improved in some fundamental ways. It needs to apply
39 to all lighting not just commercial lighting. The color of the light should be
40 controlled for all lighting zones, not just some, and fixtures should be
41 required to be shielded at slightly higher level of standard than the current
42 proposed. Since the ordinances only apply to new lightning, this wouldn't
43 impact anything existing, just put us on a responsible path forward. Light
44 pollution has been increasing worldwide at an alarming rate, and we need
45 to stop the bleeding. Of all the issues we face this one is actually easy, we
46 can do this one without really pissing anyone off. I'd like to request that the

1 Planning and Zoning Commission recommend a revisit of section 5.9
2 motivated by and taking advantage of recent developments that I mentioned
3 at the work session, things that were not previously available, the new
4 ordinance passed by Albuquerque and the release of a new model
5 ordinance by Dark Sky International. I recognize this a nonnegligible ask,
6 but I think the potential benefits to Las Cruces are substantial. Thank you.
7

8 Kaiser: Thank you.
9

10 Bardwell: Hi, Chair, Members of the Commission, staff. Thank you for the opportunity
11 to comment. My name is Beth Bardwell. And tonight I'm speaking on behalf
12 of the League of Women Voters of Southern New Mexico. I want to thank
13 staff for their extensive work on reforming and updating the land
14 development code and zoning map in alignment with the City's
15 comprehensive plan. The League of Women Voters of Southern New
16 Mexico support many of the proposed site design, housing option changes
17 because they provide more variety and types of housing integrated into the
18 community, helping to address the housing shortage in Las Cruces for
19 affordable and attainable housing. Thank you so much.
20

21 Kaiser: Thank you. And we'll keep working our way towards the back. Anyone in
22 the next row? Next row. All right, anybody else on this side? All right, we'll
23 come over to the right and we'll start in the front. Would you please come
24 forward. All right.
25

26 Mitchell: Troy Mitchell. So I come to you as a local developer with concerns
27 regarding three sections, 5-5, 5-6, and 5-7. So our concerns as developers
28 and builders we've had three meetings with Parks and Rec trying to discuss
29 issues of the parks sections and how the land's dedicated or the fee in lieu
30 of. We're concerned with the how this correlates with the affordability of
31 housing, which the presentation will be in a minute, kind of to show you how
32 that will directly affect residents in the neighborhoods in new developments.
33 So specifically, I'd like to just kind of talk about the technical manual. The
34 technical manuals were uploaded I believe two Fridays ago. So it's slightly
35 concerning. It's another big document that we need to dig through. Those
36 are some things that aren't quite complete. I do believe that these three
37 sections I mentioned aren't quite complete as well. I think there's a lot more
38 thought that needs to go in them in terms of how parks are built and funded.
39 The new code needs to happen, and we as the New Mexico Construction
40 association or LCHBA want to give our stamp of approval, but these
41 sections are slightly concerning to us, and we'll show you the financial
42 repercussions potentially.
43

44 Kaiser: Thank you. Any ... yes, I believe it was section 5-3, 5-6, 5-7. Did I ...
45

46 Mitchell: 5-5.

1
2 Kaiser: Oh, 5-5. So 5-3, 5-5, 5-7.
3
4 Mitchell: 5-5.
5
6 Kaiser: Just 5-5. Got you. All right. Anybody else on this side of the room who
7 wishes to speak?
8
9 Pompeo: Good evening, Mr. Chairman, Commission. Paul Pompeo, for the record.
10 I just want to point out that just in looking to the technical documents that
11 the last speaker just pointed out there are numerous holes in this and
12 numerous inconsistencies that just need to be addressed. I'm not against
13 the document at all. I've said it all on the TAC committee. But if you look
14 at chapter five, on page 352, there's reference to FEMA flood plains and
15 things of that nature in the drainage section, but yet it's repeated on page
16 20, or I'm sorry, it's repeated on page four of the technical manual. So we
17 have redundancy in these documents, you know one is open for changing
18 without Council's permission. One is supposed to be able to change with,
19 you know without. So there's just clean up that has to happen. I'll give
20 another just brief example, on page 15, under B-4 under pond design, it
21 says it has to double the benefit. You know, that was something that was
22 talked about that we had talked about removing when we were on the,
23 talking about the TAC, something else that needs to be addressed. There's
24 also one other example on ponding, there's ponding where it talks about 72
25 hours draining, but in another area of the same code it talks about 24.
26 These are just issues that have to be cleaned up. And so, Mr. Chairman,
27 what I guess, what to end, what I'm asking you for tonight on the record is,
28 when are these going to be looked at? When are they going to be revised?
29 When is staff going to meet and we, you know when are we going to do
30 that? Thank you, Mr. Chairman.
31
32 Kaiser: Thank you. Anybody else on this side of the room wishes to speak? All
33 right, we will go now to historic preservation folks if they wish to make a
34 presentation. You may come down. And will 10 minutes be sufficient?
35 Okay.
36
37 Berryman: Good evening. For the record, my name is Dr. Judy Berryman, current chair
38 of the Historic Preservation Commission. I'll be referring to it as the HPC.
39 And I will also be referring to chapter two rather than chapter 35 because I
40 didn't have the current change. I would like to thank the chair for the
41 opportunity for the Historic Preservation Commission to address concerns
42 regarding chapter two of Realize Las Cruces. I would also like to thank your
43 Commission, members of Community Development, the consultant, and
44 concerned citizens for multiple dialogs that have resulted in the current
45 document. Although beneficial changes have been made in chapter two, I
46 will be addressing several critical issues that still need to be addressed.

1
2 So I put up here the feeling that Realize Las Cruces, and the last point is
3 that the plan also affects preservation efforts which often is not mentioned.
4 So as noted in Realize Las Cruces, historic preservation is an important
5 component within this document. Much of the material found in chapter two
6 originated from chapter 40, which was the ordinance 2902. With its
7 inception in 2019 chapter 40 has been and is still a workable document. Its
8 value is demonstrated with the transfer of the majority of the mandates and
9 procedures into Realize Las Cruces. However, we believe work still needs
10 to be done to reflect the original intent of the historic preservation ordinance.
11 As the commission, and I remind you as long as Chapter 40 is still in effect,
12 we are a commission. You are being asked to make a balance objective
13 decision on accepting revised development code. In order to meet the goals
14 stated in section 2.1 I'm asking the following changes be made. HPC to be
15 retained, to remain as a commission. The position of historic preservation
16 specialist should be reinstated into chapter two. There are changes that I
17 would like to note in the glossary, and then as was previously mentioned
18 there are additions that need to be due to the legacy zoning district.
19

20 Before beginning this presentation, a petition signed by 181 Las Cruces
21 citizens was handed to you earlier. The issues addressed in this position
22 are two fold, that the HPC remain a commission, and to reinstate the
23 position of historic preservation specialist. These individuals that have
24 signed the petition have clearly shown their concern regarding the proposed
25 changes that will be discussed. So the question is, is HPC a commission,
26 or are we a committee? The HPC is urging that the title and all references
27 to the HPC be changed back to the original intent as a commission, as
28 stated in Chapter 40. Chapter two it now says committee. The question
29 that I would ask then, when is a committee a commission? My answer
30 would simply be, never. A commission refers to a body authorized by an
31 ordinance or federal and state statutes to perform a particular function in
32 local government. In this case, the Historic Preservation Commission was
33 created by a City ordinance 2902. A commission has quasi-judicial powers
34 and enforces regulations, administer permits, and resolves disputes related
35 to a specific jurisdiction. Why is this important? The difference between a
36 committee and a commission is not one of semantics. The historic
37 preservation ordinance was adopted in 2019 with the passage of Chapter
38 40. In this document, the HPC was and still is designated as a commission,
39 not a committee. In section two of Realize Las Cruces, the duties and
40 responsibilities of HPC are outlined along with the process the applicant
41 must follow if they want to appeal any HPC decision. In my belief, a
42 committee does not have an appeal option. Recommendations made by a
43 committee can be ignored. There is no appeal process. The HPC, as
44 written, has an appeal process. The role of the HPC, I've listed some of the
45 major roles, we gather information, we solicit testimony, we review the data,
46 we perform fact findings to a standard review, and the decisions can be

1 appealed, to me that meets the definition of a commission. Examples of,
2 and I've just put a few examples up here to again to emphasize that as we
3 view it the HPC is a commission and not a committee. The HPC provides
4 design review in the City's historic overlay districts and reviews and
5 recommends approval or denial of certificates of appropriateness. The HPC
6 also manages and reviews the Las Cruces register of cultural properties,
7 consults with the City historic preservation specialist regarding ongoing
8 inventories, research, and future plans.
9

10 The second item that we would like to discuss is historic preservation
11 specialist, or an HPS. The specialist, that actual role has been deleted in
12 chapter two of Realize Las Cruces. Using chapter 40 as a guide, the HPC
13 is urging that the title and all references to a historic preservation specialist
14 be reinstated. Chapter 40 clearly outlines the role of the HPS in supporting
15 the City wide historic preservation and serving as a liaison to the Historic
16 Preservation Commission. So terminology as mentioned earlier by Sara I
17 believe that they are willing to put in the verbiage that that position can either
18 be appointed by a community director or the designee. The issue with this
19 is that this is sort of a temporary fix in terms is, why would we want to have
20 that position reinstated? Why is this important? The historic specialist must
21 meet qualifications under State and National Preservation laws. The
22 position of a specialist is not a generalist, and that's very important, that can
23 be appointed as needed. It requires one with specialized training and
24 experience. Again, this is not a case of semantics. A generalist or someone
25 appointed as needed cannot fulfill the duties and obligations previously
26 listed under chapter 40 and reiterated in chapter two. As the term engineer,
27 planner, or hydrologist carries specific meaning and training, the same
28 holds true for the position of historic preservation specialist. So regarding
29 this position, Dr. Troy Ainsworth was the first and only specialist hired in the
30 City of Las Cruces. Community Development has asked in several
31 meetings that the HPC hold off doing several projects until a historic
32 preservationist is hired. To me, this reconfirms that the work outlined in
33 section 2.2 C should be conducted by a historic preservation specialist and
34 not a designee. If this position is important enough to be filled, it should be
35 clearly listed in the glossary, which is not there, and it should be within the
36 document outlining job responsibilities.
37

38 So I have a question regarding the glossaries. There needs to be a
39 consistency within the glossaries, which it does not appear to be. The goal
40 of the document was to have all the terms listed in chapter one, however,
41 in chapter three additional terms are listed that do not appear in chapter
42 one. In chapter two, historic preservation is a very specific activity, I believe
43 like engineering, planning, or other disciplines, those terms unique to
44 historic preservation should be also included into chapter two to make
45 sense and to have the community and staff look it over. So we've already
46 mentioned the legacy zoning districts. My only comment is that if the time

1 is now and if changes are being made, I would recommend that the two
2 additional National Registered districts be put into the legacy program, and
3 that future education could be conducted.

4
5 My final statement. So our final statement is that we do have four requests.
6 One is to ensure that the HPC is referred to as a commission. Two, that we
7 reinstate the position of a historic specialist. Three, that the glossary
8 becomes consistent, that we have the terms in chapter one, chapter two,
9 and chapter three to be consistent. And to add Mesilla Park and the
10 Elephant Butte Irrigation District to the legacy section 3.2. So I thank you
11 for your time and consideration. If there are any questions or clarification,
12 I'd be more than happy to answer them. Thank you.

13
14 Kaiser: Thank you. All right. And finally, we will go to the Home Builder Association.
15 Is 10 minutes okay or do you need a little bit more?

16
17 Moscato: Maybe a little more.

18
19 Kaiser: Okay, we'll go 13 and you can finish up if that's not enough.

20
21 Moscato: Good evening Commissioners. I'm John Moscato. By way of disclaimer, I
22 was a member of the Realize Las Cruces Technical Advisory Committee,
23 but I'm not here this evening speaking on behalf of the committee. As you
24 probably know, the committee met for a period of over 18 months, reviewed
25 and commented on 400 plus pages of new codes for development and
26 zoning. If adopted as drafted, there are some changes from the existing
27 codes to the new code that would result in increased cost of new
28 development. And I'll focus on just a couple of those this evening.

29
30 When the cost of development increases, those costs are passed on to
31 home builders, who pass on the cost to home buyers. I think we're all aware
32 of the challenges facing affordable housing. It's not just affordable housing,
33 which means housing for households of certain limited area median income,
34 but those costs extend to attainable housing for middle income households,
35 and even market rate, typical market rate housing for general public. Really,
36 there are few areas of housing that are exempt from these increased costs
37 that we've seen go so high over previous years. It even reaches multifamily
38 development, which is an important component here locally. And I would
39 ask if we can limit cost increases for new development, and thereby limit
40 cost increases for housing. Why wouldn't we try to do that? Why wouldn't
41 we address that positively in Realize Las Cruces? And I think what I'd like
42 to present here is to show you how you can recommend limiting those costs
43 to new development and therefore to housing.

44
45 So the concept of houses being priced out or households being priced out
46 of housing depends on how many people in a certain income level can

1 afford housing. So neighborhood parks is a particular area of concern as
2 far as increased development costs. Right now generally speaking the
3 minimum is two acres. In cases where master plans, PUDs, and such are
4 approved, developers donate the land. Developers build parks, and in all
5 cases that I'm aware of, although maybe there are cases I'm not aware of,
6 developers are reimbursed for the cost of parks. When developers are
7 reimbursed for the cost of building the parks, which developers can typically
8 do at a much lower cost than the City if the City were to build those parks,
9 there's no cost to pass along to builders. Development is a cost based
10 business. We look at costs, calculate a return on investment, and charge
11 builders for lots, or the general public for lots based on that cost. If there's
12 no cost because the construction of parks is being reimbursed, then there's
13 no cost to pass along to builders, no cost to pass along to buyers. Builders,
14 though pay the park impact fee, so you know the impact of new residents in
15 the general community, especially for neighborhood parks, that's a cost that
16 builders pay when they pull building permits, and then part of that collection
17 of park impact fees is reimbursed to the developer when they build parks.

18
19 Typically, the park impact fee collected for a development exceeds any
20 reimbursement that's negotiated with parks. My experience has been
21 somewhere between 30 and 70 or 80% of the total park impact fee to be
22 collected in an area is reimbursable given documented cost of construction
23 of the parks. Right now the PIF fund balance exceeds \$7 million, so there
24 doesn't seem to be any shortage of PIF funds now, and there hasn't been
25 for many, many years. What Realize on the other hand recommends is a
26 minimum of three acre parks. I heard Sara's presentation a few minutes
27 ago, that there might be negotiable sizes, and that's a good thing.
28 Developers would donate the land. Again, my experience has been that's
29 usually the way it's happened for at least master plans and PUDs.
30 Developers would build the parks as a requirement, but there'd be no
31 reimbursement at all. So as opposed to the status quo where there's
32 reimbursement and therefore no cost to pass along to builders, to pass
33 along to buyers, in this case developers would charge builders for the parks,
34 builders would pass along that cost to buyers. Housing prices go up.
35 Builders would still pay the park impact fee. Builders would charge, pass
36 along the park impact fee charge, and they would also pass along the cost
37 of the parks, which they now bearing the cost of because developers aren't
38 being reimbursed anymore. That leads to certain home, certain households
39 being priced out of the housing market. We don't know what the PIF fund
40 balance would be in the case of the Realize chapter as written, but certainly
41 it would go up you know at \$7 million now, who knows how much more it
42 would be.

43
44 This chart shows you the history of the PIF fund. This is from a presentation
45 that was given at the CIAC recently. Park impact fee revenue has been
46 over \$10 million, expenditures a little under \$7 million, excess park impact

1 fee revenue, almost \$4 million. And those expenditures are not just
2 reimbursement, those expenditures could be cost for the East Mesa
3 Regional Park and other things. So there's certainly an ability within what's
4 collected in the form of park impact fees to reimburse developers and not
5 have that cost be passed along to households buying homes.
6

7 NAHB has conducted a few studies indicating how many households,
8 specifically in the Las Cruces metropolitan statistical area would be priced
9 out of homes for certain price increases. So a \$2,000 home price increase,
10 172 households priced out in the metropolitan area, or in City limits 86
11 households because City limits roughly half the population of the
12 metropolitan area as a whole. With a \$3,000 price increase, 130
13 households priced out in Las Cruces. And \$5,000 price increase, 216
14 households priced out. So those are households that simply won't have the
15 ability to buy a home. And here's an overall chart. You can see we don't
16 know right now what the price increase level will be, because as I'm sure
17 you're aware the new park impact fee won't be dealt with by Council until
18 middle of next year. So we're really operating in the dark. We don't know
19 whether there's going to be an increase in the park impact fee from \$2,600
20 to \$5,600, or \$6,600. I do know that the last time the current consultant
21 who's working with parks recommended up an increase, it was a doubling
22 of the park impact fee. So I wouldn't be surprised if we're facing a significant
23 increase in the park impact fee. So would it be \$2,000, \$3,000, \$5,000, we
24 don't know, but certainly there will be a large number of area households
25 priced out of the market.
26

27 This is an interesting statistic from the U.S. Government Accountability
28 Office. They found that \$100 increase in median rent was associated with
29 a 9% increase in estimated homelessness rate. Right now, as the Realize
30 document is drafted, multifamily would be required to build parks, not be
31 reimbursed and have to pay the park impact fees. Kind of a triple whammy.
32 And in talking with a multifamily developer you know typical 200, 250 unit
33 complex, the increase cost when you combine those three factors, donating
34 the land, building the park, paying the fee, it's about a million and a half
35 dollars, which would raise rents close to that \$100 threshold where
36 homelessness would be increased.
37

38 So there are a couple alternatives. Instead of not reimbursing developers
39 for the cost of building parks, the City could continue the historical practice
40 of reimbursing for that cost. We realize that there's still going to be a need
41 for park impact fees to be spent in other than neighborhood parks, so the
42 reimbursement could be limited to the lesser of the cost of park
43 improvements or 50% of the PIF to be collected from the development in
44 which the park is built. That would guarantee that at least 50% of the park
45 impact fee to be collected from a neighborhood would not be going to that
46 neighborhood park, but could be used by Parks Department for community

1 parks, regional parks, other uses that they find. Also looking at the impact
2 on multifamily, reducing the PIF by at least 50% for multifamily, that's been
3 the historical norm in the City, that if a multifamily development included
4 certain recreational amenities as part of the project, that the PIF
5 requirement would be reduced by half. As far as I know, that's been typically
6 how things have operated for over a decade. Seems like that's coming to
7 an end as well. And I think also to reduce the impact of increased costs the
8 elimination of the requirement for donating land, because why would a
9 multifamily development if it has recreational amenities as part of the
10 project, also need to donate land for a three acre park? The other
11 alternative is just to wait and hold the section on parks until after the new
12 park impact fee is set in the middle or later part of next year. That way
13 everyone can proceed with eyes wide open, we'll know exactly what the
14 impact of the cost increase would be to builders and home buyers, would
15 know exactly how many households would be priced out. I heard at the
16 work session that there's discussion about revisiting Realize after eight
17 months or a year to work out the kinks, that would be a good time to revisit
18 the park section. I think it could be easily pulled out now. I think it could be
19 justified, because you don't know what the impact is going to be. You just
20 don't know. There's no way of knowing. No one can predict what the impact
21 fee is going to be increased to. And the decision regarding reimbursement
22 could be delayed and reducing the PIF by 50% for multifamily, that could, I
23 think that's a reasonable option to include in the in the revision. Thank you
24 for your time. Hope that's been helpful and illuminating.

25
26 Kaiser: Thank you very much. Appreciate that. Okay, just real quick last call
27 anybody who wishes to speak this evening before we close public comment.
28 I see one hand, possibly two. Okay. This is the last chance.

29
30 Ruprecht: Jo Ruprecht, as a citizen unaffiliated with any individual group. Although I
31 do consult with several groups. I want to speak to two points regarding the
32 historic preservation presentation that Dr. Berryman made. First is that I've
33 spoken to a number of people who were involved in the original work to
34 establish the Historic Preservation Commission that was voted into being in
35 2019, including Dr. Deborah Dennis, who would be here to speak to that
36 point tonight, but she's in North Carolina trying to mitigate storm damage.
37 In that lead up to the chapter 40 and the voting in of the Historic Preservation
38 Commission, the intent was, the original intent was to create a commission
39 that could work side by side with P&Z and could be in a sense patterned
40 after P&Z as far as how it handled itself and the authority that it had. And
41 in a shorthand sense, a committee designation gets you a seat in the room,
42 it doesn't necessarily get you a voice. And often committees in this City are
43 overlooked for one reason or another. But being designated and
44 recognized as a commission gets you not only a seat at the table, but also
45 a vote and a voice. And those are significant differences. It is not simple
46 semantics.

1
2 And the second point I want to make, you might be wondering why the two
3 historic designations that Dr. Berryman mentioned were not included in
4 chapter 40 in 2019. It was because, well why they didn't exist at all is the
5 problem. Elephant Butte Irrigation District is often overlooked, even though
6 it's been nationally recognized since 1997. And the Mesilla Park Historic
7 District was not formulated until 2016 and so asking for those to be in this
8 document is not asking to correct a fault in some earlier version, it's asking
9 to recognize what our current national designations in terms of historic
10 preservation and the values of certain properties within the City limits.
11 Thank you.

12
13 Kaiser: Thank you. All right, and I think there's one more gentleman. Yes, please
14 come forward.

15
16 Green: Steve Green. Commissioner, board. I'd just like to just kind of go back over
17 a few things and with John and what he'd had to say. And one is you know
18 you guys have heard there's multiple inconsistencies, holes, and different
19 things, parts of this. We don't know the impact fees, and we don't know a
20 lot about the technical manuals. To me, I'm just asking you guys, let's pump
21 the brakes for a second. Get the information in front of everybody. To me,
22 it doesn't seem right to vote or say anything to something if you don't know
23 the full understanding of everything you are saying yes to. I think that's
24 important to re encourage that. And before I didn't, you know voting on
25 something you should know that.

26
27 The other thing was, we've asked staff multiple times about the character
28 designations in Realize Las Cruces that goes with the new zoning, and if
29 they're inconsistencies with that, how do we get the characteristic changed?
30 We know we can change the zoning, but can you reassess the
31 characteristics? This is hard to understand how that's going to be done. It's
32 kind of been gray area, like well we'll handle that when it gets there. I just
33 feel like until we get that written in stone that shouldn't be approved or get
34 going any further. We need to know that understanding. That poses a
35 problem down later down the road and it's always easy to kick that can down
36 the road till you get to that part of the road, and then we're right back here.
37 My understanding is it opens it up to community discussion, which giving
38 everybody in the community too many bites at the apple can also be
39 problematic too. So I think there just needs to be some more definition on
40 that. Thank you guys.

41
42 Kaiser: Thank you. All right, we'll go ahead and close public comment and come
43 back to the Commission. So I think the process here to try to be orderly
44 and be able to move forward, we'll go chapter by chapter, in which case we
45 can have a discussion, ff there's any questions, clarification, anything on
46 your mind we can have that dialog. Staff is here and available to answer

1 questions. And then if there's any amendments that you wish to propose,
2 we can do that at that time for that chapter. And then what we'll do is we
3 will basically take a vote on the amendments. So if we all generally agree
4 that these five amendments on this chapter are good, we can just package
5 that all, make one vote, move to the next chapter. If there, of those five
6 amendments, one or two of them there's some disagreement on, we'll have
7 to vote on each one individually, and that will decide if it basically moves to
8 the next stage which would be City Council. We'll try to be efficient, so the
9 things that we agree on we can package that all together so we're not having
10 to vote a million different times this evening. So we'll do that chapter by
11 chapter. And then at the very end, we'll take a final vote that basically says
12 we agree, you know we're voting on everything that we just discussed this
13 evening. Does that make sense?

14
15 Thurston: I got point of clarify.

16
17 Kaiser: Yes.

18
19 Thurston: I need to clarify one thing. So the amendments that have already happened
20 that staff has said, are those, those are already going to go forward as
21 amendments that's going to City Council.

22
23 Kaiser: Correct.

24
25 Thurston: And then if P&Z has any additional amendments, then we will add those,
26 and those will go on to Council.

27
28 Kaiser: Correct.

29
30 Thurston: Is that my understanding?

31
32 Kaiser: Correct.

33
34 Thurston: Thank you.

35
36 Kaiser: All right, so we will go ahead and ...

37
38 Gonzales: Mr. Chair.

39
40 Kaiser: Yes.

41
42 Gonzales: May I interject one just second.

43
44 Kaiser: Yes.

45

1 Gonzales I do want to answer Mr. Green's question, because we do have the public
2 here. We do have the development community here. I think it is something
3 that is important that we do address, and it gives that public time to
4 understand. The question that was brought up as regards to the character
5 area in a zoning change or a zoning map amendment. As part of that each
6 zone is going to be identified with the character area, so that is your zone.
7 So if you were zoned NH-1, suburban, that is your zoning district. You want
8 to amend that to NH-1 say urban, then you would bring in a zoning map
9 amendment to City staff. They're going to process the application as that is
10 your zone and your zone amendment request, that would move forward to
11 City Council to address whether Elevate would need to be amended, or if
12 the zoning map would just be approved, a zoning map amendment. And so
13 the zoning character areas are included within the zoning districts. And so
14 there's nothing going to be different. So if you're nn NH-1 suburban, NH-1
15 urban, and you want to modify the urban portion or your character area, that
16 is part of your zone. So you would just come back and amend to, I want a
17 zoning map amendment from NH-1 urban to NH-1 suburban. That is going
18 to be a zoning map amendment. There is no request to amend Elevate at
19 that point in time. Staff would go through the process of essentially taking
20 it to the Planning and Zoning Commission for recommendation to City
21 Council. I do hope that clarifies, because I do think that is going to be an
22 important movement as we move forward with the zoning districts and
23 something being new.
24

25 Kaiser: So in the in your presentation though this evening, I, maybe I
26 misunderstood, you had said that the zone change would be as normal. So
27 you come before Planning and Zoning with a zone change, and then at that
28 time we can, the Planning and Zoning Commission can add a
29 recommendation to change the comprehensive plan place type. That's not
30 what you just said or am I mixing something up?
31

32 Gonzales: Mr. Chair. what it's going to be is changing the entire zone. That place type
33 is going to be included in those zoning districts already. So when you get
34 a proposal coming before you for a recommendation, you are going to be
35 changing that entire zone. NH-1 urban is the zone. It's not going to be
36 separated or disconnected. That is the actual zone of that area. And that's
37 where the comprehensive plan will come in to say, Does it match that
38 character Area? Is that, you know if we're going to go NH-1 suburban and
39 we want to make it urban, when we look at the comprehensive plan, does
40 that match? Is that where we're going to have to see that amendment take
41 place? So your actual zone is going to have those character areas already
42 outlined. So you will become NH-1 urban, NH-1, or NH-2 suburban, they're
43 going to be classified together. So you would just be bringing in a zone
44 modification, because essentially what's tied to each one of those character
45 areas is your design elements. And so each one gives you the opportunity
46 to change your density, your setbacks, your actual development standards.

1 And that's why those character areas are included as part of the zone,
2 because that tells you how to regulate what your designs are.
3
4 Kaiser: Okay. That makes sense. And then that language that'll all be spelled out
5 in the draft that goes to City Council.
6
7 Gonzales: Mr. Chair. That will be correct, yes, and Commission. That will be provided.
8 Tight now currently it says the zoning map process is in there, but all of the
9 zoning designations will be labeled out as urban, suburban, character, so
10 that way we understand that all those districts are going to be available, and
11 that is the actual zone.
12
13 Kaiser: Okay. Thank you.
14
15 Thurston: I'm not sure I 100% agree with that. If you go to page 88, well my page 88,
16 so I get it as she explained it there for a zoning district, and then it goes to
17 a character area. So in the booklet for B character based zoning districts, I
18 can agree with Sara on the thought process behind it, right, and saying that
19 the NH-1 rural is the actual zoning, or NH-1 urban, or NH-1 suburban is the
20 actual zoning of there. I do, I can, I agree with that. Because even when
21 you go on to the interactive zoning map that we have you'll click on the
22 different areas and it'll still be NH-1 rural, NH-1, so, and within that you do
23 have your own classification. But the example that I have here on page B,
24 on 88 basically says the character area. And so I do still think that there
25 needs to be some type of a clarification of, to the general public when you
26 come in and want to just change the character, even though it is, you're not,
27 the way it's explained right now that I, and I get it is that NH-1 rural, that's,
28 it's the character, but that's also the zone of it. But it is a little confusing if
29 someone's coming in and reading this document that there's a character,
30 but I don't want to change the NH-1 zone. I don't want to change NH-1 to
31 NH-2, I just want to change the character. I just think there should be a little
32 bit better of clarification of how that's spelled out in the process. I'm not
33 necessarily disagreeing with the, they are, the rule is its own zoning. I just
34 think it needs to have a little bit more clarification in the book as to what the
35 character and changing of a character. Or whether it's simply a statement
36 that is said NH-1 rural is the zoning, or like an example, NH-1 rural is the
37 zone. NH-1 suburban is the zone. Does that make? It just needs a little
38 clarification is really all I'm saying. I'm not in disagreement of the theory.
39
40 Gonzales: Mr. Chair. And we did notice that staff that did review after the P&Z work
41 session did come up with, that was a concern as well. And so on the
42 district's page, which is going to be page 87 of your booklet, it's going to be
43 changed to be neighborhood one urban district. And so it's actually going
44 to call it out as an actual district as a whole. Right now it only has NH-1,
45 and so we're going to modify that to where the actual character area is

1 included. So now the district becomes NH-1 urban, and that's your full
2 district. So that would be the zone change that you would move forward.

3
4 Thurston: Okay, I think that can help out now. As far as wanting to change the actual
5 character of it, or now if I want to change the zoning of it which is changing
6 the character, it has to be tied back to the, it's not Realize Las Cruces,
7 what's the, what's the, Elevate Las Cruces. So you have to still tie it back
8 into Elevate Las Cruces because where we got these designations of rural,
9 suburban, and others, was from the map that was approved on Elevate Las
10 Cruces. And so you'll have two documents in the City that are, if you get a
11 zone change from rural to suburban or rural to urban you're going to have
12 a two documents that are not consistent with each other. Does that make
13 sense? And so in order to have the, if Elevate was passed we still have to
14 follow those rules, because it was passed by the City. And so we're also
15 going to have to make sure that the Realize and Elevate both match up.
16 And so there does need to be some type of a clarification that it's not just a
17 zone change, you literally are going to have to have a change to Elevate for
18 you to actually get a rural, suburban, or urban change. Does that? Am I
19 understanding that wrong?
20

21 Gonzales: Mr. Chair and Commission. Basically, if an area is already compatible with
22 it, so if you're adjacent, just by say you are changing your NH suburban
23 right, say you're in a suburban area and you want to do an urban model. If
24 you're near or adjacent that, it may not require an amendment, because it
25 could be compatible. It could say this actually warrants an actual change,
26 or a look at to say that this is going to be compatible. If you're changing and
27 wanting to go from urban to rural, there needs to be modifications, there's
28 probably going to be you know some evaluations. There's going to be looks
29 as to why it's going to change from essentially when we're looking at our
30 densities from one to two dwelling units per acre to a 40 dwelling unit per
31 acre. And so there's going to have to be that justification. Some of the ways
32 that we've modified that in code is by encouraging cluster development in
33 rural areas and so that way you can still get the density you wish to use as
34 opposed to changing that characters area. And so those are going to be
35 the modifications. And so not necessarily will Elevate be amended every
36 time that a zone change comes in. We currently use Elevate as our guide
37 whenever we bring zone changes to the Planning and Zoning Commission
38 as well as City Council for adoption, not all the times will it match or be
39 compatible. There are areas that may be defined as commercial and we
40 zone it industrial. We tend to see that. And so it's going to be how much is
41 that change going to be modified from the plan that we need to reevaluate
42 what modifications would need to actually take place. So it's not always a
43 guarantee that it would be amended. It's based on where it's going to be
44 located for that zoning map amendment to take place.
45

1 Thurston: So from what I'm hearing they don't have to be the same in, they don't have
2 to be coherent with each other, or is that not the right word, they don't have
3 to be cohesive with each other. Is that.
4

5 Kaiser: I think if you ...
6

7 Thurston: In certain cases it's not going to be cohesive with each other, it's not going
8 to be the same.
9

10 Kaiser: Yes, and I think that's currently what it is. Because if you look at Elevate
11 Las Cruces there's many more sort of place types called out here than kind
12 of show up on the map. And so I don't think it's as convoluted as we're
13 making it out to be. Because there are more place types in Elevate than
14 what are shown on the map, and it really just comes down to, is the proposal
15 consistent with you know the goals and objectives of Elevate I think would
16 be the determining factor.
17

18 Thurston: Okay, so do we believe that we have everything in place then for someone
19 to come and just change the character through a zoning and we should be
20 just fine. Is that, my understanding?
21

22 Gonzales: Mr. Chair and Commission. Yes. Based on the zoning map amendment
23 staff would take you through that process, would outline essentially that
24 process because we're only modifying the zoning map. We're modifying
25 the zone in which you are proposing, and that's going to come with the
26 details and the actual information to move forward with.
27

28 Kaiser: All right, are we good to start back at the beginning on chapter one. And
29 I'm sure there might be other questions as we get back into this chapter.
30 We'll start with chapter one. So this is the general provisions. I know there
31 are some of us that weren't present for the work session. Are there any
32 questions or issues on chapter one? At the work session this one was pretty
33 straightforward for us, but give folks to look at their notes. All right, not
34 seeing any. So were there, was, did anybody have any proposed
35 amendments they wanted to bring up for chapter one? All right, then we
36 will go ahead. And since there are no amendments, we won't take a vote.
37

38 So we'll just go into chapter two. This is historic preservation. I guess I can
39 kick things off. I do have just a couple of questions for staff. So at the work
40 session you outline basically the process, and I guess to some extent the
41 responsibilities of the Historic Preservation Commission, which it's now
42 being called, that, there were no changes. There were no proposed
43 changes there. So I guess the question I have is if that's the case, if there's
44 no changes in roles and responsibilities and obligations, why the change
45 from a commission to a committee?
46

1 Faivre: Mr. Chair, Commissioners. Chris Faivre, Community Development for the
2 record. So under the current organization of municipal code, they are a
3 reviewing and recommending body, that equates to a committee. A
4 commission is a decision making body such as yours, so having a
5 commission that would have the ability to appeal to another commission
6 doesn't fit within that structure.
7

8 Kaiser: Okay. So the way that it's outlined now, is the process and roles all that
9 stays the same, it's just allowing an appeals process to be more in line with
10 I guess state law.
11

12 Faivre: Sure. Mr. Chair. So, yes, anything that went through HPC, would then
13 come to Planning and Zoning, if there was an appeal for that. So nothing
14 would be changing from what the current level of responsibility is now.
15

16 Kaiser: Okay. And then my second question is on the historic preservation
17 specialist. Are there any, have we looked at any examples where that was,
18 in other cities where that position was specifically called out within their
19 historic preservation ordinances. I tried to do a little bit of research last
20 night, but that's definitely a rabbit hole that can go down and I didn't get
21 whole lot of insight. So I'm just wondering if the City has explored that
22 avenue. Why the change here? If you could just kind of explain that a little
23 bit more.
24

25 Faivre: Sure. Mr. Chair. So it's more looking at not necessarily other communities
26 outside New Mexico, but looking at what the requirements are from the
27 state. And the state basically requires that you have a person that has those
28 qualifications within your structure. There is no requirement that that
29 specific position is mentioned in municipal code. So the City meets the
30 standard by having that position on staff. The intent with some of the
31 realignment across Municode through Realize is to, like Sara stated before,
32 take those positions out that could potentially change at any point in time,
33 and just reference them as a designee of the department level. So it's more
34 to just make it less having to come back and amend if certain things change.
35 HR department does a comp and class study from time to time and if there's
36 recommendations that would require changing throughout. So we're
37 making this change across all departments throughout municipal code. So
38 again, it wasn't so much what are other cities doing around the country, it's
39 more, are we making sure we're meeting the standard that's required by the
40 state. And we are by having that position on staff here at the City.
41

42 Kaiser: Okay. So then I guess to kind of tug on that string a little bit, so the
43 Community Development director would then be required to identify the
44 historic preservation specialist on staff as their designee, right. Because
45 they're the qualified individual to carry out or execute certain tasks under
46 the ordinance.

1
2 Faivre: Mr. Chair. Yes, that is correct. It would be up to each department director
3 to make sure that they have staff appropriate for any certifications or
4 requirements that may be you know managed through their department,
5 whether it's Public Works for engineering, whether it's HPC or historic
6 preservation for Community Development, that would be up to the
7 department director to make those calls on a staffing level.
8
9 Kaiser: Okay. And then at that point then certain actions could not be completed if
10 there was, let's just say the historic preservation specialist position was
11 vacant for a year. The Historic Preservation Committee would then not be
12 able to execute their duties, or I guess the City wouldn't be able to execute
13 the responsibilities of the historic preservation ordinance, or I guess chapter
14 because that position, they wouldn't have a qualified person to make, to call
15 the ball on strike.
16
17 Faivre: Mr. Chair. Not exactly. So the stipulation from the state is that you have
18 someone that meets a variety whether it's, there's archeology, there's
19 architecture, there's planning, there's a wide variety of positions that qualify.
20 Plus you would have the ability to bring on a consultant to fill that role as
21 well. So if you didn't have that specific person for whatever reason, there
22 is flexibility to make sure that there is somebody on staff that can meet those
23 requirements that the state has. So it's not even specifically tied to that one,
24 there's a wide range of flexibility.
25
26 Kaiser: Okay. So go out to do an inventory or survey, the person doing that would
27 have to have whatever professional certifications in order for that survey
28 inventory to be deemed complete.
29
30 Kaiser: Mr. Chair. Potentially, yes, I think the City would need to look and see what
31 is the specific task that's being asked, and do we have staff currently to
32 meet that in the event that there's an absence from that position. Or could
33 that be filled on a short term contract basis through a consultant or some
34 other temporary type employment. So there's ways depending on what the
35 specific task would be.
36
37 Kaiser: Okay. Thank you. Does anybody else have questions on historic
38 preservation? Yes, Commissioner Smith.
39
40 Smith: Regarding the historic preservation specialist. So currently there is not one
41 on staff.
42
43 Faivre: Mr. Chair, Commissioners. Yes. Currently we are without and we are going
44 through the process to hire.
45

1 Smith: Okay. So has a position been flown or you just, right now you just working
2 on the job description before you before you fly it.
3

4 Faivre: Mr. Chair, Commissioners. No, it has actually been posted. There are
5 candidates and there are interviews lined up over the next couple weeks to
6 fill that position.
7

8 Smith: All right. Thank you.
9

10 Kaiser: Any other questions, comments, concerns? All right. Any amendments that
11 folks wish to propose on chapter two before we move forward? All right.
12 Seeing none.
13

14 We will go ahead and move along to chapter three. All right. So this chapter
15 is general or zoning regulations. So this is where all of our development
16 standard, or not all the development standards but some of the use based
17 standards and the specific uses allowed within each zoning district. There
18 are, I believe there are sections in here related to existing special zoning
19 districts. Those are not part of this update. So like the downtown I think is
20 one, university corridor. So those we are not addressing this evening. But
21 anybody have questions, comments, concerns on this chapter?
22

23 Thurston: I think I'm good with the suggestions that staff has changed from last
24 meeting on chapter three for me.
25

26 Kaiser: Yes, I echo that. I appreciate the changes that staff is implementing. I have
27 a couple I guess, well actually a question maybe for staff on page, I think
28 it's page 101, let me get back to that. Yes, page 101 in the table, figure 32,
29 3-2-11, there's the building height min./max but then there's only five stories
30 identified. Is that a min. and max both?
31

32 Gonzales: Mr. Chair, Commission. The minimum should be actually removed, should
33 be at a maximum of five stories, unless recommended otherwise.
34

35 Kaiser: Okay. Yes, I think that's fine. Just wanted to clarify that, because the way
36 that's read now is everything would be five stories. Is that something that
37 we need to actually make as a recommendation at this stage?
38

39 Gonzales: Mr. Chair. To put it on the record I would recommend that it is.
40

41 Kaiser: Okay.
42

43 Gonzales: So that way we can have that documented, as we have done all of our pre-
44 meetings, all of the modifications we can up to this point. And since we are
45 now at P&Z I would recommend that it do be placed onto there.
46

1 Kaiser: Okay, so it's it would be recommend remove the word min. from building
2 height. Feel free if you have questions or comments to jump in. I'm just
3 going through my notes.
4

5 Thurston: I have a question for staff. Last time we were talking about having a review
6 time for this, because I think some of these little clarification errors right
7 might, well are still going to happen. Do we have something in here that's
8 like in a year from now that it'll just be brought up and we're going to have,
9 because we're going to, regardless how many times we go over this, I like
10 the suggestions that are here, but like we're going to find another one that
11 says, you know min./max, it's just a, it's just an edit. Do we have something
12 in place that's maybe six months from now or a year from now that's, hey,
13 we're going to come back and just change the mess ups.
14

15 Gonzales: Mr. Chair and Commission. Moving forward staff has already designated
16 that eight month transition period to where we can identify anything and
17 then bring forward any amendments that come forward. So it's going to be
18 any of the minor typos or modifications that need to be clarified, as well as
19 anything that we have noticed throughout the process creates either
20 barriers or no longer makes sense whenever it actually gets implemented.
21 That's a lot of times what takes place. So after that transition period, staff
22 will be coming back with any amendments that are necessary.
23

24 Thurston: So it'll be like eight months from February, if it passes.
25

26 Gonzales: That's the dream.
27

28 Thurston: Okay. Thank you.
29

30 Kaiser: Another I think question, this is again the same table on page 101, the, yes
31 so the front build to two line, we already, staff had agreed on page 92, 94,
32 and 96 to reduce the build to lines, and I think also remove the required
33 setback, front setback at least, correct.
34

35 Gonzales: Mr. Chair. The recommendation was to reduce them when we had the
36 discussion on the October 29th work session. If it's to be reduced or to be
37 removed, that would be an amendment made tonight.
38

39 Kaiser: Right. So I guess my question would be, is there a reason why staff didn't
40 do the same change for the mixed use and town center overlay?
41

42 Gonzales: Mr. Chair. A lot of the recommendations that were made during the
43 discussion is really what was focused on. And so that would have been a
44 missed, basically it wasn't brought up and so it wasn't noticed as that would
45 also be something implemented.
46

1 Kaiser: Okay, so I guess the question is does staff have heartburn with that type of
2 change. I mean would there be a reason why we wouldn't want to make
3 those consistent? Because I think the, I mean it's basically the urban core,
4 right. So it seems like we would want to align the mixed use corridor in the
5 town center, in the case of the front build to line to be the same as those
6 other zones. Would that?
7

8 Gonzales: Mr. Chair and commission. I don't think that there's too much of a concern
9 to mirror them. To eliminate them though because we do have a large area
10 within the urban core could produce more of an issue if we remove them as
11 a whole. And we do look at properties and where utilities are ran, a lot of
12 times are run through the front property lines. And so those may be the
13 inconsistencies. And so reducing them, staff's recommendation was to
14 reduce local roadways down to 10 feet, and then on arterial roadways was
15 to 15. That could be the same recommendation for this table as well.
16

17 Kaiser: Okay, so the setbacks, the setback, the front setback was not eliminated for
18 page, 92, 94, and 96. That's what you're saying.
19

20 Gonzales: Mr. Chair. That is correct.
21

22 Kaiser: Okay.
23

24 Gonzales: As to the discussion, it was to reduce them. And so essentially I believe
25 they were at 15 and then reduced down to 10.
26

27 Thurston: One question on the downtown. Current downtown, are we zero, or do we
28 have a setback?
29

30 Gonzales: Mr. Chair and commission. It is at a zero because a lot of the buildings that
31 were developed in the downtown area are to the property lines. And so we
32 had to evaluate that when that development code went forward. Most of
33 the buildings are property line to property line, and so a lot of times any
34 redevelopment ends up becoming an encroachment into City property. And
35 so it was very difficult to align and say, okay, now the buildings need to be
36 at 12 foot because we would be demoing all those buildings as they
37 redeveloped.
38

39 Kaiser: So looking at the table in 94 we have a front setback in the urban 15 feet on
40 arterials, 12 feet on locals. But if we're reducing the build to line to 15 and
41 10, we immediately have a conflict on the local. We have a setback of 12
42 but you have to build to 10. That doesn't work. And then we have the same,
43 the setback and the build to line would be exactly the same. So that's why
44 when I saw this comment I was like, oh great we're just going to use build
45 to lines instead of the setbacks in the urban area. .
46

1 Gonzales: Mr. Chair. That is correct. Yes, and that was identified through some of the
2 processes, through additional staff noticing that those needed to be
3 reversed because they were counteractive. And so yes, if it's P&Z's
4 recommendation to just remove and only use the build to lines, and then
5 reduce the build to lines, that is an opportunity for this evening to
6 recommend as a recommendation to Council.
7

8 Je. Acosta: Mr. Chairman. I would highly recommend that.
9

10 Kaiser: Yes. I would agree with that. So I think the recommendation would be, so
11 on this piece of paper right here, this proposed amendments, chapter three,
12 number one page 101 is specifically referencing the mixed use in town
13 center. But I think we want to say for, eliminate the minimum front setbacks
14 for mixed use, town centers, and all other urban Place types. Would that
15 be, would that cover everything?
16

17 Gonzales: Mr. Chair. You could identify it as any zoning district having urban
18 associated with it, because a zoning district that's going to have urban could
19 be essentially that district.
20

21 Kaiser: Okay, so we can simplify it to just eliminate minimum front setbacks for all
22 urban Place types, including mixed use and town center. Use build to line
23 consistent with the changes that staff has already made. So 15 and 10.
24

25 Thurston: Just for clarification purpose. So any, you're proposing that there's a zero
26 front set back on anything that's in urban, characteristic.
27

28 Kaiser: Correct. So you can have, you can build anywhere within the front build to
29 line. You can't build, your facade would have to be within that maximum
30 distance.
31

32 Thurston: Okay. I look at it and I'm saying, okay mixed use, that's good. I mean it
33 gives more flexibility as a builder, as a developer, as other things like that.
34 It gives you more flexibility. But I mean I, there's a lot of uses in urban, right,
35 You could still put a house in urban with no setback. So I'm fine with it, but
36 I'm just saying that's, there's no setback at all in urban.
37

38 Kaiser: Yes. I think where I was coming from in the work session is that we had
39 this dual things. We had a big setback and then we also had this forced
40 build to line. So it's like your setback could be 30 feet, but you had to build
41 to something smaller than that. It just seemed like the two things were in
42 conflict. So it's like let's just pick one or the other.
43

44 Thurston: So that would allow me if, if I'm building in an urban area and I have town
45 homes, and then the town homes go into a mixed use, you can keep the
46 consistency along the frontage.

1
2 Kaiser: Yes.
3
4 Thurston: Okay.
5
6 Kaiser: I've got a few other things, but the remaining comments I have are on the
7 specific land uses, the land use table. So before we jump over that, were
8 there any other comments? All right. So the couple that I had on the
9 specific land uses, this is number three on this list here under chapter three,
10 page 215. I recommend requiring a special use permit for all drive throughs
11 located in the urban place type, including the mixed use and town center
12 zones. I believe that would be more consistent with trying to create this
13 more urban fabric, walkable type of community, as opposed to, hey, we
14 want those things, but then we're going to just allow everybody to build drive
15 throughs without having any additional consideration for the context.
16
17 And the same thing would be for gas pumps, gas stations. So both drive
18 throughs, gas pumps, car-centric, I feel like need an extra layer of
19 consideration there. So we don't have to discuss each of those right now,
20 but just throwing that out there. And then the other, number five is requiring
21 a special use permit for payday loans, check cashing, or bail bonds in the
22 NH-2, NH-3 and CR zones. Number six is require a special use permit for
23 car washes in the NH-3 and CR zones.
24
25 And then finally page 221 requires a special use permit for commercial
26 parking lots or garages in the NH-3 CR and light industrial zones. So if
27 anyone has consternation over any of those feel free to chime in.
28
29 Thurston: I'm still trying to gather my thoughts on the NH-3, on your special uses for
30 a car wash in NH-3.
31
32 Kaiser: Correct. Yes.
33
34 Thurston: And for staff. NH-3 is supposed to be our more commercial, like commercial
35 areas type of a deal but we also have commercial in here, but it's also kind
36 of mixed. Can you help explain that to me one more time?
37
38 Gonzales: Mr. Chair and Commission. NH-3 is going to reflect more of your R-4s and
39 then it's going to include your C-1 and C-2. So your neighborhood
40 commercials, big box stores that are going to be limited to 25,000 square
41 feet or less, and then the commercial uses that are permitted within those.
42 And NH-3 is going to provide, oh I'm sorry, hold on, let me reclarify that. So
43 are your R-1s and, your R-1a, R-1b, R-2 are going to be simplified into your
44 neighborhood districts. Then you go into essentially neighborhood threes
45 are going to be more of your office, O-1, O-2, and they're going to be your
46 C-1 and C-2 because those are limiting the boxes. And so that's where

1 you're going to see an NH-3 as 25,000 square feet or less. When you get
2 into a CR, that's where you see the commercial development of greater than
3 a 25,000 square foot big box building. And so you're going to just see
4 basically the size of buildings and capacity on properties because they may
5 have larger acreage, but those are going to be your commercial zoned
6 properties, and that's what CR is going to be considered. So we've
7 eliminated and made NH-3 your offices, your C-1 and your C-2 because
8 those were considered your neighborhood, actual services or providers.
9

10 Thurston: So currently NH-3 is orange on here, and that would, the area that I'm
11 looking at is on like Rinconada Boulevard, where it ties into Sonoma Ranch.
12 So like the Walmart and all the commercial development that's basically
13 being done over there is classified as NH-3.
14

15 Gonzales: Yes, Mr. Chair. That is correct. A lot of the development that took place
16 out there is still vacant, and so it's going to have the potential of adding
17 those commercial uses. And so it wasn't designated on Elevate Las Cruces
18 Comprehensive Plan as a commercial zone district. And so that's why NH-
19 3 is still going to give it the option to provide commercial uses with that
20 multifamily as a component.
21

22 Kaiser: And we do have some NH-3 I believe kind of down around off of Spruce,
23 between Spruce and Hadley. And I believe there's even some kind of just
24 north of downtown. So I mean you've got NH-3 in highly urban areas that I
25 just think again we're kind of undercutting ourselves. It's not to say you can't
26 do it, it just requires an extra level of consideration to understand the
27 context.
28

29 Thurston: Yes, I'm just trying to get my head wrapped around it before I say yes to
30 that. I don't have any other amendments or anything like that. But I do want
31 to just touch on yours right here on the, your gas pumps, fine with that. Not
32 the gas pumps. Your payday loans, checking, cashing, bail bonds, NH-2
33 NH-3, and CR zones. I think the only one I'm going to disagree with is just
34 the CR zones, because if it's commercial I think we got to have some zones
35 that allows multiple things in there. It's going to be next to the
36 neighborhoods, but since it's actually has the, when I'm looking at this map
37 here and all the red areas, I think that would be probably be a better place
38 for that than in the NH-3, like you're suggesting there. Also for car washes,
39 I think car washes are okay in a CR zone, but I would agree with you on an
40 NH-3 zone.
41

42 Kaiser: So what if on the car washes we just made it the same as the drive through,
43 so no car washes in the urban place types.
44

45 Thurston: It's a theory of, in theory of planning of it, I get it. It's very hard for, in my
46 opinion on planning when we have the future planning and I got raw land,

1 right. I got raw land I can come out here and I can plan and I can put the
2 urban streets. I can put the urban, like I get to start fresh, right. So not only
3 in the urban areas, do I, I should be able to also shrink the streets, right.
4 And you're trying to really create, when we talk about urban and what's
5 happening is we're trying to shrink, we're trying to create pedestrian, we're
6 trying to create bike friendly, we're trying to create that type of a deal, right.
7 The mixed use, we have the offices down low, we have the people living on
8 top. And so you're trying to really build, like live, work, play in the same
9 area. And so when, we don't really have that in Las Cruces. So we have a
10 downtown that's work and play, but there's no live space to it, right. And so
11 trying, right, I guess for planning specifically yes it makes sense to reduce
12 that, but then in our areas that's like revitalizing downtown or revitalizing
13 some other areas, it might be restrictive to areas that you still need that
14 flexibility versus the raw land, is it?

15
16 Kaiser: Yes, no, I understand what you're saying. I think for this it's specifically the
17 use of a car wash. And I think what you were talking about of kind of the
18 vision of kind of our urban core is again, more walkable, more pedestrian
19 friendly. And I just view these car, they are literally car-centric. There's no
20 other use. You can't walk through a car wash. Maybe you could, I don't
21 know if they'd let to. Might be weird. But it's just fundamentally antithetical
22 to that concept. So it's not, again it's not saying you can't do it. You can
23 still propose it, it just, you got to go through an additional layer of, because
24 as it's proposed right now anyone can go into our downtown, you know
25 downtown adjacent and put a car wash, put gas stations, put drive throughs,
26 and that's just more of the same. So I mean I'm fine with number six,
27 changing it to just require special use permit for car washes in the urban
28 place type and the mixed use in transits, or not transit the town center
29 zones. That works.

30
31 Je. Acosta: So Mr. Chair. What if, on the special use permit for car washes we eliminate
32 the NH-3. Tell me your thoughts behind keeping the NH-3 on the special
33 use car washes.

34
35 Kaiser: So I think basically it's already a special use permit for the NH-2 zone. Let
36 me double check. Page 221. Yes, so it's already a special use permit for
37 the NH-2. So it would just be the NH-3. Did that answer your question?

38
39 Je. Acosta: Yes.

40
41 Kaiser: Okay.

42
43 Je. Acosta: Thank you Let me do a little research on my side.

44
45 Kaiser: So while we're kind of pondering, it sounds like just so that we can kind of
46 move things along, we're good with the changes to number one, the change

1 to number two, which is just remove the word min. from building height on
2 page 101. We're good with number three. We're good with number four.
3 That sound right.
4

5 Je. Acosta: Okay, Mr. Chair. Just one more question on the special use permit for car
6 wash. And maybe this is a question for Sara. I still don't understand why
7 we're putting in car washes in with big box establishments. That doesn't
8 make sense to me. A car wash is totally different than a big box that we
9 would require the NH-3.

10
11 Gonzales: Mr. Chair, Commissioner Acosta. The reason why it's not necessary that
12 it's looped into a big box, as we continue to raise the bigger boxes are going
13 to be in the commercial zone districts. When we look at an NH-3 we're
14 looking at any of the zoning designations that's going to be generally located
15 on collector or higher roadways. And so as part of the car wash stipulation
16 under the standards it does say in order for a car wash to go into an NH-3
17 zone, it does have to be located on a collector or higher. We're doing that
18 just because we understand that traffic components come into play when
19 we start looking at specific land uses and what they can derail. And so we
20 don't want to necessarily say they're going to be permitted in an NH-3 on a
21 local roadway, because those are going to be your general services and
22 that you want to provide to the community if an NH-3 is provided. But we
23 do want to say that if it's located say, if you're looking at Lohman Avenue,
24 some of that area where Mr. Car Wash just went in by the neighborhood
25 Walmart, that is going to be considered an NH-3 district. And so by looking
26 at that, it has two roadways that can supply the traffic that's going to go
27 through there. But if that was located in the middle of a residential
28 neighborhood, it would not be permitted because those are local roadways.
29 And so it's still giving a stipulation of it doesn't require a special use permit,
30 it's only allowed by right when it's near a designated roadway classification
31 that can handle the traffic that comes with it.
32

33 Je. Acosta: So basically, you're restricting those in a major growth corridors right, which
34 makes no sense to me still. I'm not understanding that. Because you're
35 restricting, what I'm hearing is that you want to restrict those to a major
36 growth corridors. Am I hearing that correctly? That's where I'm not
37 understanding where it makes no sense to me.
38

39 Gonzales: Mr. Chair and Commissioner Acosta. I'm trying to understand how to, so
40 with an NH-3 it's going to provide all of your neighborhood services still. In
41 our office ones and twos that we took from an NH-3 and our C-1 and C-2
42 there was a limitation of essentially a 9,500 square foot building was your
43 maximum capacity in those areas. And so with that they've increased them
44 to be where there's more viability on them, and certain land uses were
45 conditioned. So not all land uses will be conditioned. So we still want the
46 neighborhood services to be provided to the neighborhood. So you may

1 still see an NH-3 within neighborhoods, but there's certain land uses that
2 come with different triggers or requirements as far as maybe traffic
3 concerns, where if you're on a local street, you put a car wash next to a
4 house, you're going to see a lot more generation of possibly residential
5 movement on a local roadway that can't have that capacity. And so the
6 limitations for land uses were brought in, so it's a lot more, you're able to do
7 a lot more in each one of these land uses. But we've also designated in
8 some land uses that there has to be restrictions of where the roadways are
9 classified. I don't know if that answers your question.

10
11 Kaiser: All right, so there's a couple things we can do. We can kind of go through
12 the list here, unless anyone wants to add anything to it, maybe just do a
13 quick check in to make sure that we can, the things we're good with we can
14 group so we don't have to do one vote at a time. And then if there's any
15 issues where some people aren't quite comfortable we can take a vote on
16 that particular one. So again, it sounded like, and correct me if I'm wrong,
17 one, two, three, and four, we're all comfortable with. All right. I'm going to,
18 well number five, Commissioner Thurston, I think you had a question, or I
19 guess your suggestion was to remove CR, the CR zone from the
20 amendment. So would just read a special use permit for the payday loans,
21 check cashing, bail bonds in the NH-2 and NH-3.

22
23 Thurston: That is correct.

24
25 Kaiser: Okay, now we, looks like we're generally good with that, so we'll make that
26 change. And then number six, if we made the change instead of require a
27 special use permit for car washes in the NH-3 and CR zones, it's require a
28 special use permit for car washes in the urban place type, mixed use, and
29 town center which will basically match what we did for numbers three and
30 four.

31
32 Je. Acosta: I would go with that. I think it's better than in taking off the NH-3 definitely.
33 I think it lines up better.

34
35 Kaiser: Okay. So we will make that change, and then we're in agreement there.
36 And then I didn't hear anything on number seven so I'm assuming that
37 there's agreement there as well.

38
39 Thurston: Explain that one to me real quick, on the commercial. When it's, if required
40 a special use permit for commercial parking lots or garages in the NH-3, CR
41 or LI zones. So when you have a commercial parking lot, are you mean like
42 a designated commercial parking lot or a parking lot that services the actual
43 building there.

44
45 Kaiser: My understanding is that this would be a standalone, correct.

46

1 Gonzales: Mr. Chair, Commissioner Thurston. Yes, that is correct. This would be a
2 standalone parking, like if you just had a parking lot or a parking garage, if
3 you did a five story parking garage. This is no building, no ancillary
4 structures.
5
6 Thurston: Okay. Thank you. That helps me out. I just didn't want, when I said
7 commercial parking lots, I was hoping it was meeting a standalone because
8 we're, as much as we want to get to the urban side of things, we're still such
9 a car dependent place, and so I just didn't want us to shoot ourselves in the
10 foot there a little too early.
11
12 Kaiser: Yes. And, this is just changing it from by right to special use permit. So
13 again just allowing some more, an extra layer of valuation.
14
15 Thurston: I'm good with that one.
16
17 Kaiser: Okay. All right, so it looks like we're in agreement then, so we can just go
18 ahead and vote on all seven amendments. So looking for a motion to
19 approve. And just to clarify these are amendments that will go to Council.
20 They'll have an opportunity to debate and discuss them. So looking for a
21 motion to approve the seven amendments for chapter three.
22
23 Je. Acosta: So moved. I make a motion to approve all seven amendments as
24 presented.
25
26 Porter: I second.
27
28 Rivera: So this is for the seven amendments for chapter three. Commissioner
29 Thurston.
30
31 Thurston: Yes.
32
33 Rivera: Okay. Commissioner Smith.
34
35 Smith: Yes.
36
37 Rivera: Commissioner Acosta.
38
39 Je. Acosta: Yes.
40
41 Rivera: Commissioner Porter.
42
43 Porter: Yes.
44
45 Rivera: Commissioner Murray.
46

1 Murray: Yes.
2
3 Rivera: And Chair.
4
5 Kaiser: Yes. Okay, moving on to chapter four. So this is the subdivision
6 regulations. This mostly just dictates the process of how you go and
7 subdivide things. If I recall correctly there was some discussion maybe at
8 the work session, but I think it was generally pretty light, so I'll open it up if
9 folks have questions or comments. And I'll just note, I believe staff had a
10 few changes or there was at least one. I don't know if that's up on the slide.
11 Yes, so I appreciate that. I agree with those changes. So thank you for
12 that. Any questions? Anything to discuss here? Chapter four. All right,
13 seeing shaking heads. I don't have any amendments unless someone else
14 does. We currently don't have any amendments proposed for this section.

15
16 So we'll go ahead and move on to chapter five. This one I think is going to
17 be, there's going to be some discussion, so I suggest we take a five minute
18 restroom break, and we can reconvene at 8:06
19

20 MEETING RECESS.
21

22 Kaiser: All right, we're ready to rock and roll. All right, we'll go ahead and get this
23 rolling again if we can have our excellent staff come back. Our fearless
24 leaders. We're just lost in the forest without them. so we'll go ahead and
25 get started again. I think there's going to be a lot to unpack for chapter five.
26 I know the home builders Obviously made a presentation earlier, which we
27 may have some comments on or some questions. But I think maybe in the
28 interest of trying to stay on track, we can break, we can go section by section
29 of chapter five. But before we do that I think, and I don't know if this is a
30 good idea a bad idea, So do you tell me if it's going to go haywire. The
31 technical manual is something that I think we all have a lot of questions and
32 comments on. My understanding from staff is that the technical manual this
33 evening is not necessarily something that we're voting on, correct, That that
34 is for Council. We can certainly provide our feedback, but the technical
35 manual we're not giving it an up or down vote this evening. o is that correct,
36 staff?
37

38 Gonzales: Mr. Chair. That would be correct, yes. Because P&Z does not require that
39 vote, it does not require to go to City Council with P&Z's recommendation.
40

41 Kaiser: So with that, I'm thinking that we can maybe provide some initial feedback.
42 I don't want us to spend three hours on the technical manual this evening,
43 even though I think it probably needs three hours. So maybe we do that.
44 We can provide some feedback on the technical manual. We can kind of
45 have a discussion there, and then we can kind of come back and start at
46 the beginning of chapter five. Since there is a lot of overlap I think hopefully

1 it won't distract us too much, but that's just the thought that I'm having. Does
2 that sound good?
3

4 Thurston: So you want to go over the technical manual first and then start with 5.1.
5

6 Kaiser: Yes. And I think if we can just try not to get too lost in the weeds in the
7 technical manual. You know provide some high level feedback, but since
8 we're not voting on it, I don't think we need to. We could certainly spend
9 three hours, but I don't think we need to do that this evening.
10

11 Faivre: Mr. Chair. If I can interject real quick. Because it's not on the agenda, it
12 cannot be a topic that you guys discuss. You can provide comments
13 individually to staff, but it cannot be a discussion item for the Commission
14 at this time.
15

16 Kaiser: Okay. Understood. Well, then that answers that question. All right, so we'll
17 get into chapter five.
18

19 Thurston: Can I ask one question on the technical manual?
20

21 Kaiser: Yes.
22

23 Thurston: Just the, what is the process that the City Council, what's the process of
24 that getting approved is all I'm asking?
25

26 Gonzales: Mr. Chair and Commission. The process of it getting approved is staff will
27 compile all of the comments that are provided. Being that we did hear from
28 public comment that was provided from Mr. Pompeo, those considerations
29 do need to be taken to you know as to taking those comments, providing
30 them back to City Council as their consideration when it does go forward as
31 a resolution. The idea with the technical manual though is because it is not
32 code affiliated, it is not being adopted through ordinance, those changes
33 can be modified as we continue to go through the process. So we wouldn't
34 have to wait months to actually go. So a lot of the comments we want to
35 see now is that general feedback to see where improvements need to be
36 made before we go to City Council in February. That way we can address
37 some of those concerns and have those highlighted. After February then
38 that would continue to go through the development review committee to be
39 reviewed and modified as they're necessary. And so once again once those
40 are implemented if this isn't the best practice, then we would go to the
41 design, or development review committee for review. Make those changes.
42 It is a public and open forum and so it does allow for public input to take
43 place. That way everybody understands what changes are coming forward.
44

45 Thurston: So if the public has any comment on the technical manuals, they need to
46 do it from now till it goes to the City. Is that what I'm understanding?

1
2 Gonzales: Mr. Chair and Commissioner Thurston. That is correct. Because City
3 Council would still take any comments during the representation of when
4 we bring it forward in February. We know that this just came out, it is
5 something new. It has been vetted through some of the development
6 communities, but it's now the final version of the document, and definitely
7 needs that review. And so recommendation is to provide as many
8 comments to staff that we can review before that time frame.
9
10 Thurston: Thank you.
11
12 Je. Acosta: Staff. I do have additional questions on that. Will you be sending out, that
13 out to the public so they're aware that they have this time period?
14 Apparently, just based on some of our comments today from our public
15 numerous holes and consistency with this technical document. So will you
16 be sending reminders out to the public to give them that opportunity to give
17 you feedback up until February, so you have all the facts?
18
19 Gonzales: Mr. Chair and Commissioner Acosta. As part of that vetting process we did
20 actually, or I did two weeks ago actually send out an e-mail to everybody,
21 especially in the development community who utilizes it, and said, please
22 provide comments. Here's a technical manual we understand. We can go
23 ahead and do a follow up, as well as doing probably a City notice to where
24 it does come out on either our Facebook page, give people the (*inaudible*)
25 so that way they can associate there is a time frame that we do need these
26 comments so that way we can actually have answers when Council does
27 come forward. The last thing we want to do is present and then have to still
28 be answering questions and it doesn't get adopted. The technical manual
29 at first was going to be adopted after the chapters being modified, but we
30 wanted them to coexist because they do go hand in hand. And so those
31 just came as part of those pitfalls that come with development code and
32 rewriting. And so we do want to see those comments and get them
33 addressed before we do go to Council.
34
35 Je. Acosta: Very well. Thank you. And I think that's really good that we're doing that
36 follow up. At least we're doing, we're showing up our due diligence in a
37 follow up form. Thank you.
38
39 Kaiser: All right, so going into chapter five. Chapter, or sorry, section 5-1 those are
40 just general provisions. I'm going to make an assumption there's no
41 comments on there, but if anyone has comments on that first page. All right.
42 Seeing none.
43
44 We'll move into section 5-2. So this is roads, right-of-way, and parking.
45 Open it up for any comments, feedback, suggested changes.
46

1 Thurston: I don't have anything on five, 5-2. I think this is going to be one of those
2 chapters that in eight months we're going to have a lot of questions on.
3

4 Murray: I have a lot of questions now.
5

6 Kaiser: I can kind of jump in. So this is basically cross sections. On this handout
7 that we have from staff I think the, I didn't do a good job of breaking it out
8 section by section. So I'll try to do this systematically. So the first, one, two,
9 three, four, five, six, seven, eight, nine, 10 are related to 5-2. I'll just go
10 through them real briefly and you chime in if you have questions or
11 feedback. So the first one is page 301, this is just in the, this is section A
12 the purpose, just recommending that we replace the word "should" with
13 "shall." So the sentence reads, "In all transportation decisions safety shall
14 be prioritized to ensure the well-being and protection of every individual
15 traveling within the City, regardless of mode of travel."
16

17 Page 303, this is in the figure 5-2-1 under traveling, recommending to
18 amend the second sentence that currently states "for roadways with low
19 travel speeds, a travel lane may also be used as a shared lane to allow
20 bicycles to share the lane with vehicles." My recommendation is we amend
21 that to say, "for roadways with low travel speeds, a travel lane may only be
22 used as a shared lane in combination with other traffic calming measures
23 to allow bicyclists to share the lane with vehicles." Rationale behind that is
24 just painting one of those little sharrows is proven to have no safety benefit
25 for cyclists. So suggesting that that is in combination with other traffic
26 calming and safety measures.
27

28 This is Page 303 still. This is under the parking. Well, I guess amend the
29 sentence that says, "when parking is placed adjacent to a bikeway, the
30 bikeway shall be placed on the street side of the parking lane unless an
31 alternative design is approved by the DRC." Recommend changing that to
32 say, "when parking is placed adjacent to a bike way, the bike way shall be
33 placed on the curb side of the parking lane unless an alternative design is
34 approved by the DRC." The reason being is there's less risk of being
35 doored, somebody, a driver opening your door or their door while you're
36 riding your bike. Not a fun experience. It also adds a layer of protection,
37 the physical, the fact that cars are physically parked between you and
38 traveling motorists, that is in itself, a protective barrier. So just making that
39 recommendation that we just flip the two would significantly improve
40 parking, or not parking, improve protection for cyclists.
41

42 Thurston: Can you help?
43

44 Kaiser: Yes.
45

1 Thurston: Can you help me on your clarification on that one? What I'm trying to look
2 at your, the designs here on collectors and minor arterials. Where would I?
3 Where would that be changing? Would that be changing only on like an
4 avenue street or would that be on the local street? Where would that be
5 applicable?
6

7 Kaiser: So I don't think they actually have a cross section for it. There is no cross
8 section. But basically it would be if you had, so normally what we would
9 see is you have your sidewalk, maybe a landscape strip, your curb, and
10 then your park, everybody parks on the curb right, and then you have a bike
11 lane, and then maybe you have some paint that separates the bike lane
12 from your travel lane. That's how we would normally do it. What I'm
13 suggesting is you reverse that so you go sidewalk, any landscaping or no
14 landscaping, curb, bike lane, buffer, parking, then travel lane. So as a
15 cyclist you're up against the curb, the buffer would prevent a passenger
16 from opening their door into you, and then you get the added benefit of
17 having a two ton hunk of steel protecting you from a driver. They'd have to
18 come through that car before they get to you. It just provides a whole new
19 level of comfort for cyclists.
20

21 Thurston: So what would you use as the, I'm trying to envision that, when you park
22 your car, are you going to double curb it?
23

24 Kaiser: So there's a number of ways that you can go about it. It would be dictated
25 on the rest of the right-of-way, how much room you have. You can do flex
26 posts to delineate so cars can't inadvertently park up against the curb, right,
27 in the bike lane. You can use planters. You can use other you know
28 concrete borers. You could even do a full blown second curb and gutter.
29 It's just up to what the context of the roadway. But you would get the benefit
30 of having that car protecting you when it's parked there, versus where it
31 would be now where you are at risk of getting doored, and your only
32 recourse is to go into traffic to avoid that door. And you're making a split
33 second decision. You don't have time to see if there's a car behind you. It
34 just presents a bad, it basically presents a conflict that can be eliminated by
35 just switching them.
36

37 Going on to I think that is number four. o this is the bike way. The bike way.
38 My recommendation is to require physical barriers within the three foot
39 buffer, unless alternative designs are approved by the DRC. Right now they
40 have it flipped where physical barriers are more or less optional. Again,
41 there's just the idea that that paint doesn't really add any protection per se,
42 and this just basically sets the bar at the safest option. And if there's a need
43 to deviate from that, you have the relief through the DRC.
44

45 Continuing on to number five. This is the bike plus travel. Recommend
46 revising, make sure I'm getting this right. Yes. So they, there's a couple of

1 sentences, but really all they're saying currently is that sharrows would be
2 allowed on local streets. So this is the bike plus travel. My recommendation
3 is just making sure that those sharrows are not approved unless
4 accompanied by other traffic calming measures. So the same thing we
5 talked about on the first one.
6

7 Porter: So I have a question.
8

9 Smith: I just have a go back on number four, as far as the physical barriers. I'm
10 trying to envision what type of physical barrier would be created within that
11 three foot buffer.
12

13 Kaiser: So again it could be a number of things. I mean it could be flex posts, it
14 could be boards, it could be jersey barriers is an example of kind of a quick,
15 quick fix solution. Could be again a separate curb and gutter. But it's
16 basically just keeping, a car would have to run into something before it gets
17 to you as a cyclist. And it also adds some visible, some additional visibility
18 to the roadway that sort of slows drivers down, because there's suddenly
19 something that you can run into.
20

21 Thurston: For staff. Do you guys have a I like a picture? Kind of being serious.
22

23 Kaiser: I mean, I can pull one up for you.
24

25 Thurston: If you can, because, so I followed a lot of the bike stuff and there's like a
26 YouTube guy that I follow and he, it's not just bikes. And he does a lot of
27 the suggestions that you're saying right now, of getting the bike lanes
28 separate from the cars. Which in urban settings, or not even have to be
29 urban settings, but if you're actually riding a bike, it incentivizes people to
30 actually ride a bike if you do some of the calming measures that you're
31 saying, because you're not scared to get run over. And so I think you would
32 get more people on a bike but I've just got to understand what I'm, what my
33 mind is picturing versus what we're saying is going to happen.
34

35 Bingham: Steve Bingham, Parks and Recreation Director. I'm just going to point out
36 a bunch of Google images. Here is one where you have paint, but it's
37 reinforced with this physical barrier. Okay. There's one where they may do
38 planters occasionally. There's another option. There's another option. So
39 there's just ways of creating some type of physical barriers. Is that helpful?
40

41 Kaiser: That's exactly what I'm talking about. Yes. So it's not prescribing what
42 exactly they're using, it's just saying there needs to be something other than
43 just paint. If we're really serious about safety and protecting cyclists. I mean
44 paint has a purpose, but when it's just a, you can go out on Madrid, we've
45 got a little three foot paint that looks like a second bike lane. I mean truck,
46 I mean it's not even slow down, right. So that's just what I think we need to

1 just set the bar, the expectation of the safest approach, and then if for
2 whatever reason you need relief because the site is, you have the DRC to
3 go make your case.
4

5 Thurston: So this, if I'm coming over here to principal, let me just go over here,
6 principal arterials, page, 304, that one has a bike lane in it with a nine foot.
7 Minor arterials, collectors would all require a buffer on all new roads. Is that
8 correct?
9

10 Kaiser: Correct. Correct. So, yes, the bike way that it's defined here is, would be
11 found primarily on the principal and minor arterials. So it would apply to
12 those designated roadways.
13

14 Thurston: So what is that going to do to the, now this is for staff, what's that going to
15 do to the City with that change when we have new development tying into
16 old development. Is that going to make us have to redo the whole City and
17 start adding those into the older parts of town? What would your suggestion
18 in that be?
19

20 Gonzales: Mr. Chair and Commissioner Thurston. The idea would be is that we want
21 to move forward with going to multimodal. And so these are some of the
22 recommendations. And the new cross sections are what we're going to
23 implement, and then we would be working to transition those existing
24 roadways into the same format. And so we're going to be following more of
25 what we're developing new so that way we can start that transition. So
26 we're now including those proper, or those as whether they're CIP projects
27 or they're coming back and being redeveloped, so that way they include all
28 of those multimodal. That's why we try to be consistent with the actual
29 roadway width so that way we would have something to compare to, and
30 then be able to go ahead and redevelop at the time that we can.
31

32 Thurston: Thank you. I personally have rode my bike a couple of times throughout
33 the City. And I like the suggestion, because when I rode and I had my
34 daughter on the back, it was a little electric bike, and the City right now does
35 not have bike friendly roads. It just does not. And so we rode from our
36 house all the way to the veterans park, and there was a couple of spots
37 there that I told my daughter to turn around and say, Hey, tell me if a car is
38 coming. So I do like this idea of having it changed. I just trying to figure out
39 how we go from new to existing and making sure those transitions happen.
40 That was my main concern of it.
41

42 Smith: And I just, a comment for you Commissioner Thurston. I spent some time
43 in New York City last year. And I had previously lived there for eight years.
44 And I was pleasantly surprised how many roads and streets they actually
45 converted for bike traffic. A lot of it, you showed some example from
46 Google, but they had actually used just physical barriers. They put potted

1 plant containers. They even put some of the just the, like the plastic post
2 and paint. And I mean this is New York City so they're not building new
3 roads there. So they did do a lot of converting and I was pretty impressed
4 by how they made it happen on some of those principal roads and just
5 particularly in Manhattan. So it can be done.
6

7 Kaiser: So just continuing on. So number six, this would apply across all cross
8 sections, but recommend that travel lanes shall not be wider than 11 feet
9 across for any travel lane in any cross section. That is actually a half a foot
10 larger than what is recommended in the Active Transportation Plan and is
11 actually consistent with, I believe, Doña Ana County's development
12 standards. So that's a recommendation there. There's also numerous
13 studies out there and decades of research that show that 11 feet is when
14 you compare it to a standard 12 foot lane, which I think is primarily what we
15 have in the City, that 11 feet dramatically reduces crash rates and serious
16 injury among all road users, drivers, pedestrians, cyclists. So that's a
17 recommendation that all travel lanes shall not be wider than 11 feet across.
18 And I think we, if you look at the cross sections, we hit it almost everywhere,
19 there's a few that are still stragglers on the 12 foot, but I think we just make
20 it standard 11 feet across all of them.
21

22 Thurston: So that would change the collector where it says 12, this one would need to
23 be updated. And when you have your bus, when you have what's, that one
24 would need to be changed down to 11 feet. So your principal arterial, where
25 you have the bus on here and then also your minor arterial on, we have a
26 12 foot on that one collector at 12. And let me look at the other page. That
27 would be it. You'd be removing, you'd only be removing one foot off of those
28 two. Is that correct?
29

30 Kaiser: Correct. Yes. So everywhere there's a 12 it would be reduced to 11. And
31 then moving on to number seven. So this is for the local street cross
32 section. This is on page 306. Recommendation is to remove one side of
33 parking as far as the total asphalt width. So right now it's a 50 foot right-of-
34 way, that wouldn't change, but the way that they have it broken out is you
35 basically have an eight foot parking lane, an 11 foot travel lane, and then
36 an 11 foot travel lane in the opposite direction, and an eight foot parking. At
37 least in my neighborhood, and I know in many other neighborhoods across
38 the City, people don't really park on the street, so you're basically
39 introducing almost a 20 foot travel lane or more if there's only one car, and
40 that is a recipe for excessive speeds, even in a local street. We can classify
41 it all we want, but if it still ends up being a racetrack from the driver's
42 perspective, that's exactly how they're going to drive. My recommendation
43 would be that there's plenty of room, if you shrunk that down to basically be
44 22, eight, 30, feet of asphalt, you can still park on either side, traffic can still
45 get through, and it's going to create its own traffic calming when those
46 situations occur. So I just think that the overall right-of-way stays the same,

1 we're just shrinking the amount of asphalt on our local roads and our
2 neighborhoods.

3

4 Smith: And that's going to, that's going to happen by removing one side of parking.

5

6 Kaiser: That's correct. You can still park on either side. So it's not saying, oh well
7 you can now only park on the right or the left, you can park on either side
8 and basically it creates almost like a, what do they call it in the design
9 manual ...

10

11 Thurston: It's almost like a natural calming.

12

13 Kaiser: Yes.

14

15 Thurston: Traffic calming. It reduces your speedways and basically through local
16 neighborhoods.

17

18 Kaiser: Yes. Because basically you go from oh I'm you know driving 30 miles an
19 hour down my local street to, hey maybe I need to slow down because
20 there's a car that's maybe just a little too close to my side mirror. You have
21 plenty of room to get through. It's a natural calming effect, slows traffic
22 down.

23

24 Smith: It's not working on Melendres.

25

26 Thurston: The other positive to a smaller local streets is the impact it has on cities long
27 term. So I know one of the things that I hear from City staff, now you're
28 going to have to correct me if I'm lying up here, but residential areas don't
29 collect enough taxes to basically take care of the streets, utilities, and
30 everything like that. And so by able, by being able to, they love urban areas,
31 they love commercial areas because you get enough tax off of those to
32 maintain your roads. But when you go out, and that's why they don't want
33 the urban sprawl and other things like that, because it does cause the City
34 to have to pay more money to maintain things. And so if it is a narrower
35 street, it is less money for the City to maintain long term. Is that a fair
36 statement to say, staff? That's my interpretation.

37

38 Kaiser: I think that was an affirmative. David, you want to respond to that?

39

40 Sedillo: Good evening, Mr. Chair, Commissioner Thurston. David Sedillo, Public
41 Works Director for the record. So although you are reducing say eight feet
42 of asphalt, as that goes through new development, we still have existing
43 development. So those costs for new development may not cost as much
44 in the future, but our existing systems that we have to maintain currently,
45 those will not see a reduction in cost. So overall, it'll be minimal on the
46 reduction of cost to maintain.

1
2 Thurston: Going forward, you will have a savings.
3
4 Sedillo: Minimal, yes, but we still have, our need still outgrows the amount of funding
5 that we have.
6
7 Thurston: So I think that does, well in my opinion that still, it does show that roads is
8 a cost, that's an ongoing cost that it's tough to keep up with them. And their
9 maintenance it's tough to keep up. I think there are funds in place, there's
10 tax dollars in place that does do it, but I like the savings to the City
11 sometimes.
12
13 Sedillo: Thank you.
14
15 Kaiser: All right. Number eight is a just a general statement that actually comes
16 straight out of the Active Transportation Plan as a recommendation. And
17 that's just recommending that road and intersection design shall follow the
18 NACTO Urban Street Design Guide and the Urban Bikeway Design Guide.
19 There's a bunch of guides that get thrown around in this section. These
20 are, well at least one of them is called out but I think specifically just saying,
21 hey we're using the NACTO guides because those have been determined
22 to be the most flexible to meet multimodal transportation needs as well as
23 improved safety. So my recommendation would be following with the
24 recommendation in the Active Transportation Plan that we just simplify its
25 NACTO and the Urban Street Guide and the Urban Bikeway Design Guide,
26 and that would be for road and intersection designs across the City. And
27 that would be new and existing, when existing in intersections are rebuilt.
28
29 And then the last two are kind of related. These are, well number nine is
30 specifically to the TIA section. It's, this is page 324, it's just adding,
31 recommending an additional trigger for under the special circumstances.
32 So this is section 5-2.G.3.D, again page 324. So basically This section
33 allows the public works director to acquire a TIA if there's any of these
34 special circumstances. And my recommendation would be to add this
35 additional circumstance that states the City engineer may require an
36 applicant to conduct a TIA if there is a reasonable expectation that the
37 project may adversely affect pedestrian and cyclist safety within the study
38 area. In other words, just giving an additional avenue for safety design to
39 be evaluated so that we're not inadvertently building something because
40 the TIA said we need to do this and we're introducing conflict to cyclists or
41 pedestrians in a hazardous manner.
42
43 Je. Acosta: Mr. Chair. Is that? Can we ask staff for their input on that?
44
45 Kaiser: Sure.
46

1 Je. Acosta: Sara, can you chime on, on that one for me, please.
2
3 Kaiser: I can also redirect that one to Mr. Sedillo too.
4
5 Gonzales: Mr. Chair and Commission. I did send out a lot of the requirements or some
6 of the comments that were provided during the work session. This did come
7 up. This did go to the traffic engineer and provided comments on the
8 response that was provided to staff is, we do that in our current code. We
9 do it in the proposed code and it's in the actual technical manual. So this
10 wouldn't be an amendment that would be harmful to staff if we add that as
11 number seven. So we are currently doing it and it's also addressed within
12 the technical manual.
13
14 Thurston: One concern with TIAS and being allowing everyone to, allowing an
15 additional person on staff to require a TIA will, having past experiences they
16 will request a TIA every single time just because the book says I can ask
17 for one. What that does is, depending on the TIAs and depending on what
18 type of a TIA they request it can go up to somewhere around \$50,000. So
19 you're sometimes going to add an additional \$50,000 or whatever the other
20 ones are, to a project that might not need it other than it's one person's
21 opinion. And so you can have a staff member that has never asked for a
22 TIA, and then you have turnover, and that new engineer is going to be
23 asking for it every single time. And so you're kind of stuck with it. I think
24 TIAs are good you know in general, but I don't like the cost associated with
25 it that it will do to some developments. That's my main concern.
26
27 Sedillo: Mr. Chair, if I could please. Mr. Chair, Commissioner Thurston. Thank you
28 for the question. And yes, part of the process that we went through Realize
29 was so that the questions wouldn't be so broad coming from development
30 for TIAs. So what we've proposed is to give guidance on when and at what
31 level of the TIA is going to be required through this process. Those will be
32 also included in the technical manual. So it's not going to be an arbitrary
33 somebody's decision to say, okay we've changed now this person wants
34 this. If we're actually given guidance on specific items on how those TIAs
35 will be addressed and at what level.
36
37 Thurston: Is there any reason that we need to have the engineer to be the one that
38 needs to request that, or are we still okay with just the current ones that are
39 allowed to ask for that right now. Do we need the additional engineer?
40
41 Kaiser: As far as the recommendation that I was throwing out there?
42
43 Thurston: Yes.
44
45 Kaiser: So I'm not recommending an additional person. I'm just, I'm, my suggestion
46 is just we make explicit that safety concerns can be a reason that the Public

1 Works director can request a TIA, if one isn't already being required. So
2 that's, this section is all special circumstances. So it's just making it explicit
3 that safety concerns is a legitimate reason why the Public works director
4 can exercise discretion.
5
6 Sedillo: Mr. Chair. Point of clarification. So the way the code is being proposed will
7 say the department director or their designee. We've removed all traffic
8 engineering or traffic engineer position from there for that reason.
9
10 Thurston: Is this one adding it back in?
11
12 Sedillo: To my knowledge, I don't believe it should be.
13
14 Kaiser: No, because it's, at the very beginning of the section it says that the Public
15 Works director if they determine that one or more of the following conditions
16 exist. So they are already given the discretion. I'm just saying that safety
17 is a legitimate reason why they could request it.
18
19 Gonzales: Mr. Chair and Commissioner Thurston. Just to clarify. So this is just going
20 to add in that basically there are six items listed. We're going to be adding
21 a number seven, and it's just going to have this provision added to it. It's
22 something we're already doing now as a City, and it's just clarifying that it'll
23 be one of those special circumstances to look at whenever development
24 comes in.
25
26 Thurston: All right. Let me see if I can clarify what my, what I'm trying to. I'm okay
27 with the safety side of it. I'm okay with where it says you know or cycle, the
28 cyclist, but when it says (*inaudible*) the City engineer is, that's just adding
29 his ability. Does you say what I'm saying?
30
31 Kaiser: Yes, I see what you're saying. And that's my bad. We can just scratch that
32 and say the Public Works director so it's consistent.
33
34 Thurston: I'm okay with that.
35
36 Kaiser: All right, we'll make that change. And then the final one on this section for
37 me is on page 330. So this is section 5-2.L.1 And this may not be the final
38 official verbiage, but what I'm trying to communicate here is recommend
39 that placement of traffic signals or other control devices should not, shall
40 not be predetermined based on rigid and inflexible design standards prior
41 to the preparation. In this case I don't know if TIA is relevant here, but
42 basically the idea being that we should look at a multitude of factors in how
43 we place our traffic signals or traffic control devices, and that would include
44 the desired roadway speed. It would address the question of, can bicycles
45 and pedestrians safely cross existing uncontrolled crossings, or is additional
46 traffic control necessary? Does the design provide accessibility to all users,

1 particularly people with disabilities, pedestrians, and cyclists of all ages and
2 abilities? And signal timing and analysis shall consider timing delays to
3 cyclists and pedestrians. In other words, this idea that you know we're trying
4 to access say the Triviz trail across Triviz, but there is no way within a half
5 mile or further in many cases, a controlled intersection in which you can
6 safely get across to the trail. So the idea being that, hey, perhaps there are
7 serious safety considerations and accessibility considerations that would
8 dictate us putting in some sort of controlled traffic signal, rather than saying
9 we can't have two signals that are within a quarter mile of each other. This
10 is saying that the safety concerns would kind of trump that standard. It gives
11 us a little bit more flexibility. Because I think right now when you have
12 conversations, at least in my experience, it's where we can't do a traffic
13 signal because there's not enough car traffic traveling at certain hours of
14 the day at certain velocities. That's the reason we can't have a safe crossing
15 for pedestrians. So it's just adding additional flexibility, allowing some
16 discretion, and really making sure that we have safe infrastructure for all
17 users. So the wording that I proposed to you, I don't mean to think is the
18 final but the idea is we need to have some flexibility built in here.

19
20 Smith: And this idea is based on similar to what you would see on University? Yes.
21 Where you have the ...

22
23 Kaiser: Yes.

24
25 Smith: Pedestrian crossing.

26
27 Kaiser: Absolutely. And even more so. And you know maybe we, there should be
28 multiple of those crosswalks along the University as opposed to just the
29 one, right, Yes. Yes. So those are all the comments or the
30 recommendations I have for section 5-2. It sounded like we're all in
31 alignment there. So we can kind of group all those, unless someone has
32 serious reservations about any of them. All right, Commissioner Thurston,
33 you look like you're about to say something, but.

34
35 Thurston: My only thoughts are, are any of these suggestions going to create extra
36 cost? And that's, I'm trying to see. Ultimately, I just don't want us to keep
37 raising costs because we have new designs. I like the new designs, but I
38 am nervous on a little bit of the cost. But I'm ...

39
40 Kaiser: I believe in the research I've done; the cost is negligible. I would also pose
41 out there's the negligible cost to improve safety pretty dramatically worth it
42 for all residents of the City. And my answer is yes.

43
44 All right so we'll go ahead and for the moment, we'll group numbers one
45 through 10, so we'll set those aside. And then we can move ...

46

1
2 Thurston: I have one.
3
4 Kaiser: Yes.
5
6 Thurston: I have one on your number eight.
7
8 Kaiser: Okay.
9
10 Thurston: So this is more just having in the last two months I've read through the
11 NACTO book. And the suggestions inside the NACTO book are not, like I
12 went in there because I was trying to find a new roadway section that I could
13 use for a new development I'm trying to do. And there was no right-of-ways
14 suggestions in there. And, because I was trying to find a different way to
15 do some development. And I was able to find suggestions, but there was
16 no defined actual roads. And I don't know if staff has seen the same thing,
17 because I thought, okay, I'm going to buy this NACTO book, there's three
18 of them, and I was like, okay, I'm going to read this. And I got great
19 suggestions. And when I went through there, I came back to staff and I
20 said, hey, how do I figure how do I figure out what the new right-of-way is?
21 And then the engineers that I was using, we couldn't find anything either.
22 So that's, I don't know if it's necessarily an alarm to bring up, but it's just to
23 let you know that NACTO actually doesn't have like right-of-way sections in
24 there that we're going to be using. Unless someone else knows how to read
25 that book better than I do.
26
27 Kaiser: I think that the right-of-ways are what they are. They're the proposed right-
28 of-way, those cross sections. The NACTO is just telling you how to
29 engineer each component of that in a way that is going to accommodate
30 multimodal transportation and improve safety.
31
32 Thurston: Yes, there were plenty of suggestions in NACTO had to do it. I just could
33 not find actual dimensions. That was, so there was turning lanes, bike
34 lanes, other things like that, that was showing you how to do it in theory, but
35 then the actual dimensions were not existing. That was my only feedback
36 on that. Not a positive, not a negative, just a feedback.
37
38 Kaiser: All right, so we're still good with grouping all of those, okay. So we can
39 move on to 5-3, section 5-3. This is drainage and flood control. Starting on
40 page 342. As we go through I don't have any comments or any
41 amendments for this section. So if we, if nobody else does we can keep
42 pushing forward.
43
44 All right, going on to 5-4, this is low impact development and green
45 infrastructure. Beginning on page 363. I'll just throw out my only
46 recommendation is in the purpose section just to remove the final sentence

1 under A.2, it currently reads LED is most appropriate for larger greenfield
2 developments where there's natural hydrological functions that can be
3 protected or restored. My recommendation is to just scratch that, because
4 green infrastructure can be widely applied citywide, and actually can provide
5 some meaningful flood risk improvements to developed areas, because you
6 can do things to rip out impervious surfaces reduce your total runoff. So I
7 think it's appropriate citywide, not just greenfield. That's my only comment
8 on this section. If we're in agreement with that we can move along to section
9 5-5, parks, trails, and open space.

10
11 So this is the parkland dedication.

12
13 Thurston: My page is colorful. There's a couple of changes in here in the way we're
14 going to be doing parks from the way that we're currently doing parks. And
15 so there's some, in my opinion there's some significant changes. And I don't
16 know how to give a suggestion, but I do think that we should, I do have a
17 couple that we need to talk about here. On, if you go to B, applicability.
18 And so we got it for single-family and for multifamily. That's currently
19 basically the same way that it is currently, if I understand that. But then all
20 of a sudden we're adding that the change that's going to happen is for
21 nonresidential development. We're going to be, if I understand this correct,
22 which I'm totally fine being wrong. I believe if a commercial development is
23 larger than five acres, we're going to be requiring them to give us some type
24 of a park fee, a park fee in lieu. So we're going to be, that's an additional,
25 that's going to be additional money going to Parks through commercial
26 development. That's not, we don't currently have that in our code. The one
27 negative in, and I want staff to be able to help clarify why this is a good
28 thing. But normally a commercial development comes in after you have
29 rooftops. And so in my opinion the commercial development is not
30 increasing the need for a park. It's normally residential that is increasing it.
31 When you read in here, it goes to three, if you go to 3.A mixed use
32 developments may propose parkland, trails, or open space, dedication, or
33 a combination to satisfy the requirement of this section. So that's mixed
34 use, but it does not exempt just regular commercial. So who sets that fee?
35 What is that fee? Where does it come from? How does that move forward?
36 What are we doing there?

37
38 Bingham: Mr. Thurston, Commission. I've looked at this and have conferred with staff.
39 And our interpretation of this is this nonresidential development is mixed
40 use development, where you have commercial mixed with residential, and
41 the fees will be related to the residential units in the proportion that's
42 residential. So it's in line with the other expectations.

43
44 Thurston: I agree with that. We just need to have some wordsmithing that goes on
45 that states that, if you guys are okay with that.
46

1 Bingham: Yes, we're good with that.
2
3 Kaiser: So is it really just instead of number three, nonresidential development, it
4 really should be mixed use development. Is that what your suggestion
5 suggesting?
6
7 Thurston: If that's what achieves it, then I, I'm not the English person. I will ruin this
8 book if I'm the one to put wording into it. So it just needs to be tied to a
9 residential component in order for us to need more parks. Because parks,
10 the park land dedication and other things like that, is off of the amount of
11 people we have. So it's like if you go down to see park land there's a three
12 acres times the number of dwelling of units times the person units divided
13 by 1,000, and so when you put a commercial building it doesn't have that
14 component to it. So if, I mean to make it short, if it's right mixed use and
15 that solves it, great.
16
17 Bingham: Yes, we believe that we can make that adjustment. We'll put out some
18 wordsmithing.
19
20 Kaiser: Okay, so the recommendation will be.
21
22 Gonzales: Mr. Chair, if I may go.
23
24 Kaiser: Yes, ahead.
25
26 Gonzales: Basically what we can do on number three is we would just modify that to
27 remove nonresidential development, and in place of that put mixed use
28 developments. That's really what that should be interpreting.
29
30 Thurston: Okay.
31
32 Kaiser: And we still have to, that has to be one that's in our little amendments
33 package, right. We need to spell that out.
34
35 Gonzales: So the wording would just reflect mixed use developments, mixed use
36 developments requirements of the section for open space. It's basically the
37 remainder of that sentence is all we'd have to put into there.
38
39 Thurston: Okay, so then if you go to exemptions. So if I do a mixed use development
40 under five acres I don't have to give you a park.
41
42 Gonzales: When I interpret that it's saying single lot commercial development. So
43 that's not necessarily mixed use to me. That would be commercial.
44
45 Thurston: So you need to strike that one out as well. Because this also applies to, the
46 reason why I say it's not just mixed use, because when you read in here

1 also in B.2 properties zoned industrial is not required. Projects with a
2 master plan you know aren't there, and then approved PUDs. So you
3 almost need to just, you might need to just strike everything under B
4 exceptions, and then just put mixed use development will follow the same.
5
6 Bingham: We agree. And we'll get the wordsmithing.
7
8 Kaiser: Sounds good.
9
10 Thurston: The next one that I have is going to be on your parkland dedication. I'm fine
11 with your, the three acre per 1,000. However, in multiple situations a three
12 acre minimum is going to be very difficult to achieve. And I've got to go
13 back and see if Sara had this in on the changes. I can't remember if we had
14 that on the changes by staff. But there's multiple places where we need to
15 be allowed to go smaller than one acre. For example, in redevelopment or
16 downtown or other places where we don't have excess land, it's going to be
17 very hard to conjure up three acres. So if we're trying to create more
18 pedestrian friendly, more healthier, healthier society, I know there's the
19 studies that you talk about parks that the more parks there are the healthier
20 you are, the humans inside those cities. And so if I have to dedicate a three
21 acre parcel downtown it's going to be very hard to find that. So there needs
22 to be some type of provision in there whether we could put in there that says
23 you know the Parks director will allow under three acre parks in certain
24 situations, especially you know redevelopment, other things like that, would
25 be good for us.
26
27 Bingham: We feel that your suggestion is in line and exactly kind of really what we
28 spelled out here with this alternatives for the approval of Park and
29 Recreation Director. That it can fall within one of those categories.
30
31 Thurston: Okay, so this wording that you have here special park less than three acres,
32 that will.
33
34 Bingham: Yes.
35
36 Thurston: That's the suggestion that we'll be putting on for City Council.
37
38 Bingham: Yes.
39
40 Thurston: Okay.
41
42 Kaiser: Kind of along those lines, and maybe it's captured here, I'm not sure, but I
43 think maybe a blanket statement to the effect of in the urban place types,
44 so our urban core, there's the ability to have a conversation and flexibility
45 with the Parks and Rec director, mainly because I know that there's later on
46 there's a requirement, I thought it was still in here, maybe it got scratched,

1 I'm not sure, but it was like 200, frontage of 200 feet, which maybe is not a
2 lot, but when you're talking about redevelopment maybe that is significant
3 and prohibitive. So I'm just wondering if there could be, in addition to what's
4 stated here, maybe just a broader statement of in the urban core, urban
5 place type we have flexibility across the standards so that we can meet in
6 the middle.

7
8 Bingham: Yes, we'll add a bullet point that identifies urban core. Okay.

9
10 Kaiser: Thank you.

11
12 Thurston: I gotta go back to multifamily. So I don't know if this was the purpose of it,
13 but the way I read this is that multifamily residential development, the
14 requirement of the section for parkland and trail dedication shall apply to all
15 developments resulting in the creation of new multifamily residential units.
16 If I understand this right, which I might not, are we requiring that multifamily
17 is going to dedicate public parks along with whatever amenity they're putting
18 inside theirs. So if I come in with an apartment complex, you got 209 units,
19 they normally will put their pool, they'll put their little exercise rooms, they'll
20 put their little dog parks, and they'll have their own amenities. So the way I
21 read this though is they're supposed to give up that three acre minimum for
22 the public use as well. Is that, am I interpreting this wrong?

23
24 Bingham: No, you are correct. They do have to comply with the park dedication or the
25 park impact fee. To give you some background that I think would be helpful.
26 I had a request for a waiver of the park impact fee. And we looked at the
27 onsite amenities and what they designated as their park amenities on site,
28 and it came out to 53 square feet per person. We looked in the same
29 subdivision, the neighborhood, and we looked on average a typical home,
30 single-family in that area had 1,200 square feet with, so two to two and a
31 half people per person, you're looking at over 500 square feet per person in
32 a single-family home of space that would be in a yard. In these multifamily
33 unit with the proposal it was 53. And so though there is a requirement to
34 have some recreational space on site like you would on any given yard, that
35 you need to recognize that typically the multifamily units still have less
36 space per person, significantly less space per person. And so the park need
37 is not lower, it's actually higher due to *(inaudible)*.

38
39 Kaiser: Can I follow up on that thought? So in the scenario let's say downtown
40 apartment complex, multiple stories, let's say 200 units. Odds are there's
41 no space for a public park, right. So in that situation you're likely going the
42 in lieu fee route. Is there any, well I guess it would be exactly the same as
43 if you were doing a single-family subdivision. Your costs would be the
44 same. Well, they would actually be higher probably because your total
45 population at build out would be potentially more than a few single-family
46 houses. I guess my question is, has there been any analysis to kind of

1 understand like the cost aspect of it. We saw this evening the cost
2 implications for a developer. I'm just wondering has the City also done that
3 and compared different types of projects to see, because the fear I think
4 across the board, I think it's with staff as well, is that we put in these
5 requirements to try to increase our housing stock, to bring more and
6 different kinds of housing online, but then we're inadvertently kind of
7 undercutting ourselves because now that apartment complex it went from a
8 \$1 million you know development price tag to \$1.5 which that's obviously
9 getting passed on to renters driving, so we're basically you know canceling
10 ourselves out.

11
12 Bingham: It's hard to answer a hypothetical where I'm not sure that all the scenarios
13 of the hypothetical are laid out. But the basis of what I understand is, is
14 your concern is the requirement going to drive up the cost to the point that
15 you know you said \$1 million to \$1.5. No, it's not going to do anything like
16 that. But let's take for example our current impact fee of \$2,600. The home
17 builders tonight made a presentation, and in that presentation they identified
18 an interest rate of 6.75%. \$2,600 for an impact fee at 6.75 would add a total
19 of \$16.86 per month to a 30 year mortgage. And so what we're talking about
20 here is less than that because the, you know as far as the park dedication,
21 the park dedication is for neighborhood parks. And neighborhood parks
22 make up less than 40% of the total impact fee. So you're getting down
23 around eight or \$9 a month. So does it increase the cost? Yes. But if you
24 bring in that, you also need to bring in the scenario that this research shows,
25 for example, that a neighborhood that lacks, in fact I better pull it up, I don't
26 want to misquote it.

27
28 According to research people living in areas with limited access to parks or
29 green space have a 44% higher rate of diagnosed anxiety disorders
30 compared to those living in areas of abundant green space. So 44% higher.
31 Well what is the national average for how many people are diagnosed with
32 an anxiety disorder per 100 people, 19. So that would increase it by
33 approximately eight or nine people. What's the cost per person for medical
34 bills annually that's diagnosed with anxiety disorders? Currently, the
35 research shows \$1,657 per person annually. You divide that by 12 months,
36 that's \$133. So part of the debate is, has to do with making homes more
37 affordable. And the question is, are these development costs that are going
38 to drive up a monthly mortgage nine or \$10 a month worth the impact that
39 it saves to the community as a whole, that 10% per 100 people drop in
40 there's \$133. And so the debate can get very extensive. And so my answer
41 to your question is, is, yes it's going to drive up cost, but it's going to drive it
42 up in a very insignificant amount when the average mortgage is what it is. I
43 don't know that nine or \$10 per month per person, per home, not per person
44 per home, is that what's going to drive our public health policy within our
45 City. When we've got to look at the whole picture of, and that's just anxiety
46 disorders. What about diabetes? What about cardio? You know heart, the

1 other type of health issues out there. And so this debate has housing on
2 one side that is going to go up, but on the other side you got people's health
3 and welfare. It also has a reduction on crime.

4
5 Thurston: We can always spin it to our own side of things also. With that we also have
6 a high interest rate right now. So if I borrow money today it's not 6.75 today,
7 today it's at eight. So I called my, the guy who does all of our loans, and
8 today it's at eight. What's happening is any increase in cost causes a project
9 to either pencil out and make financial sense, or you got to throw it in the
10 trash. I personally have had to throw one in the trash just about four months
11 ago. Two-hundred and nine unit apartment complex. And I did all
12 engineering, did everything like that. Interest rates went from three up to
13 eight. It doesn't pencil anymore. So any increase in cost is going to be
14 significant to making, when our interest rate is high, we're talking giving
15 people the open space, which I agree I love parks. When I do development
16 I love parks. I put them in. But at the same time, I need people to be able
17 to be housed. And I think a housing issue is more of a crisis right now than
18 having extra parks. And so I love parks. I really do. So you can see any
19 new developments that I tried I always tried to find a way to stack and pack
20 and try to squeeze out another half-acre here, squeeze another here for
21 some open spaces. But people, even if it goes up \$9 we're cutting, as the
22 NAHB shows, we cut out another 89 families or whatever the number was,
23 if I could, if we had that slide. It cuts out families that are not in it. And so
24 what's the negative impact of nine families not being able to get into a
25 house, or nine families not being able to rent a house anymore. Rent went
26 from \$900, now what are we around \$1,400. And you know and if you go
27 in some of the other apartments that have all the amenities, you're at
28 \$1,800, \$2,100 that I'm seeing out there. So another \$100 that comes out
29 of a person's pocket because of giving, having to give up more, it just hurts.
30 And it hurts the families of Las Cruces that need more affordable.

31
32 On the other hand, I agree we need more parks. But we have other means
33 that just passed. We have the tax that just passed that is, was supposed,
34 is supposed to go for some parks. So the increase in GRT hopefully that
35 should give us some more funds for the parks. And then with this requiring,
36 so I just think it's requiring too much out of development. I think the three
37 acres per 1,000 is okay, but we're just adding more on to that. You have
38 your amenities in the multifamily, and then you're adding an additional
39 requirement you got to give to the public. And I think currently the way that
40 it's done is there's a reduction in a fee, but it's not, it's not requiring the
41 developer to put in a public. So they put in all their facilities, and then I
42 believe they can get up to a reduction of about 50%. So they, City parks
43 still gets there, if it's 20, what are we at \$2,600, so I think City parks will still
44 get their \$1,300 if there's a 50% reimbursement for parks. But the way that
45 I see is a fundamental change is you're going to put a \$2,600 fee onto every
46 single door in an apartment complex, instead of a fee of \$1,300 per every

1 single door. And it's just causing costs to go up. The big shift on this whole
2 parks is it's no longer getting reimbursed, it's now just a requirement that
3 you put all the parks in. So there's no more reimbursement. And now in
4 one, I've been in some meetings where they say that the fee should drop,
5 but once again we don't know until the study comes out, it could go up to
6 \$3,600. So that's, we can be on that one for a while. I don't know how to
7 actually move forward with this. But I have another one that I'd like to throw
8 in the mix of this convoluted.

9
10 Kaiser: Can I just ask a question of staff? How do we reimburse the developer for
11 their neighborhood park currently? Where is that money coming from?

12
13 Bingham: We are currently reimbursing developers for the neighborhood parks out of
14 park impact fees. One of the challenges we're running into is that the vast
15 majority of these reimbursements are taking between 70 and 100% of the
16 park impact fee. And so Recon Hills had 221.

17
18 Thurston: Two-hundred and twenty-one lots in Rincon.

19
20 Bingham: Two-hundred and twenty-one lots, and they were reimbursed \$2,600 for all
21 221 lots. And so the result was is there was zero impact fee left over for a
22 community park, a specialty park, a dog park, a trail, recreation space,
23 aquatic space, all other levels of service of recreation and park usage.

24
25 Kaiser: So there consideration or thought in just raising the impact fee? I mean why
26 do this wholesale? Is my big question has always been why, why the
27 change? Why the shift? I'm not opposed or for I'm just trying to understand
28 why we're moving to this new model.

29
30 Bingham: Yes. There was consideration for raising the impact fee. But there's two,
31 there's a theory that the whole basis of park dedication or impact fees is
32 new development needs to build their system, their subdivision, their portion
33 at an equal level of what the rest of the City has already built to. Okay. And
34 not require the rest of the citizens who's already paid their portion to now
35 also pay an additional portion to subsidize new development. And there's,
36 you can do that through impact fees as a vehicle, or you can do that through
37 park dedication as a vehicle, or you can do it out both. But what you cannot
38 do is take and have an impact fee that has neighborhood parks in it and
39 also require the park dedication to have neighborhood parks in it. You have
40 to put that level of service either here or you have to put it there. The benefit
41 of taking that out of the park impact fee area is that it now puts it in the
42 development and gets the park up front or earlier in the process instead of
43 later in the process. The problem with having it later in the process is
44 inflation lowers the buying value. You cannot charge an impact fee that
45 exceeds at the time of the charge 100% cost of providing that. I can't go to
46 110% to offset for the inflation. And so by moving it up front, it's similar to

1 the fire stations. You have an impact fee for public health or public safety.
2 That money, a portion of it goes to build fire stations. But what they've taken
3 out is, is the fire hydrants is the responsibility of the developer. And that's
4 what we're doing here is, is we're saying we're taking the fire hydrant out of
5 the impact fee and putting it over in the development pile. And so the
6 neighborhood parks are going from the impact fee and they're being moved
7 over to this side. It's only being charged once, but instead of coming out
8 here it's coming out on the development side like a fire hydrant.
9

10 Kaiser: Thank you. I think that's actually the best explanation I've heard, and I've
11 been asking that question I think a couple of times. So thank you. I
12 appreciate that.
13

14 Thurston: So can I clarify something on the reimbursements? So reimbursements can
15 go up to, currently they can go up to 100%. Rincon Hills was a special, I
16 wouldn't necessarily call it special. We got 100% of the money back on that
17 one. But not of the 100% of the money that we had put in. So we as a
18 developer still put additional money into that park. If I use the calculation of
19 221 houses and I put this park acreage in here, so I do three acres, I times
20 that by the number of dwelling units, 221, and then I times it by the person
21 per unit, which I believe is the 2.44 is the calculation per house, is 2.44 so I
22 go three times that by 221 and I times that by 2.44 and then I would divide
23 it by the 1,000. So for my development right there in Rincon Hills I would
24 be required to put a 1.61 acre park in there. There were other agreements
25 in that, that there was open space in other areas that we had that were just
26 on the cliff, not usable open space, it was just designated open space in the
27 past, and so what ended up happening is we moved that open space to the
28 park space. So that park ended up turning into instead of the required 1.6
29 acres it actually turned into a 3.6 acre park. And so in a normal development
30 that I would, and for 40 acres, and I put 1.6, I believe that the required
31 reimbursement would be closer to that 50% range that the home builders
32 has put out there. So if I was to be in reimbursed only the 50% and I put a
33 1.6 acre, I believe as a developer we could probably cover the fees of that
34 park and still have your reimbursement, and that would still then leave the
35 City the \$1,300 for the community parks and others things like that.
36

37 Mine was just a special case to where we, the level of service that you
38 receive in Rincon Hills far exceeds the standard in Las Cruces. And so it's
39 per acreage it was higher and thus the amount received back was higher.
40 And if you look in the surrounding areas, the neighbors, there's not a single
41 park on some of the adjacent ones there. And so the neighbors, I was not
42 able to receive some of the park impact fees that had been collected by the
43 surrounding areas that do not have a park, and it was not able to go to the
44 reimbursement of that. So had that actually been able to receive some of
45 that, you could probably find out that that price could have probably come
46 back down to a 50% if you were going to collect from all of the other

1 neighbors that do use that park. So we do have an issue here in Cruces
2 that using a lee, a fee in lieu has been used multiple times in the past, and
3 it has resulted in parks not being built. And so you could find throughout
4 the City of Las Cruces, we don't have enough parks. And that is true. But
5 the fee in lieu also was not used in the past by Parks to facilitate the amount
6 of parks that we have needed. So we have a 20 year problem that we have
7 not kept up with the demand of parks, even though they have received the
8 fee in lieu. So there's out there, you dive deep into this and it is, it gets very
9 complicated. But I believe that the best solution on this is still to let the
10 developer receive a reimbursement and only go up to that 50%, that way it
11 does allow the housing to stay at an affordable rate, and we're not going to
12 see the increase on the land side and then having to take it to the next level,
13 to the next level, but it still allows Parks to have enough funds for the other
14 community parks that is needed.

15
16 Bingham: I think it's very fair that we point out that the reason that you did get 100%
17 was there was an anticipation of some, you know like you mentioned other
18 homes that would be coming into that. But I think I need to speak clear is
19 that the neighborhood portion, and is taking up a much higher percentage
20 of what they should be based on their percentage of the level of service.

21
22 Kaiser: So the in lieu fee that's currently being evaluated, and that timeline is
23 sometime next year after, supposedly after the adoption of this in February.
24 Is that correct?

25
26 Bingham: So there is an impact study that is going to come forward and the fee in lieu
27 will also be something that's coming forward. But it would be based on the,
28 you know the portion of the neighborhood park and so say the new fee is
29 just \$3,000, if neighborhood parks take up 40% of that, then 40% would be
30 pulled out and not charged and be left to development. And so whatever
31 the impact fee would be and what percentage of the service it
32 encompasses.

33
34 Kaiser: Okay. So I guess my question was really, would there be an opportunity
35 when that part is figured out to revisit this chapter and just confirm that
36 everything shakes out the way that we would like to see it shake out.
37 Because it, to me it seems like there's no reason to throw the rest of this
38 thing out just because of this one section that we maybe are a little stuck on
39 because we don't know that other part of the puzzle. So it just seems to me
40 at this point we can put forward some recommendations as based on what
41 we're seeing now with maybe some sort of acknowledgement from staff that
42 when that other part is completed next year, we can come back and just
43 confirm that what we're doing is making sense. Not to suggest that we're
44 going to make changes, but at least have another opportunity to have the
45 conversations. I feel like we can keep talking about this for the next hour,
46 in fact, we did back in October.

1
2 Bingham: Yes.
3
4 Kaiser: And I think there's so much good stuff that's in this I'd hate for us to put it all
5 on pause just because we can't quite get to the park piece. Because we're
6 still waiting on that other piece, which I think is completely fair. Like there's
7 I think there are some stakeholders who would like to see what that number
8 is before they sort of throw their support or not support behind these
9 changes, because it is a shift from what we've been doing.
10
11 Bingham: So you know I imagine City Council can go forward in however they as
12 elected officials choose to move forward. The thing I think that's important
13 to recognize is that the neighborhood portion is knowledgeable less than
14 40%, at least less than 40% of the whole pie. The other thing is, is that City
15 Council could choose to adopt this park dedication requirement, and then
16 they could go to impact fees and say, we're not going to require any impact
17 fees. You know so they could go to zero there and you would end up lower.
18 Or they could say, no, development needs to pay its fair share. And so I
19 think by adopting this, this doesn't pigeon hole anything into guaranteeing
20 an increase overall cost, just this portion by itself is not going to be more
21 than the current impact fee.
22
23 Kaiser: Thank you.
24
25 Thurston: There's one more change to the process in which we're doing things that I
26 wanted to bring up, and that is an I alternative to parkland dedication. What
27 that does is it creates a new fund that we currently don't have. I'm not saying
28 this is a positive, I'm not saying this is a negative. This is just a change, a
29 fundamental change is that what would happen is the fee in lieu based, a
30 fee set by the City Council based on the market value of required acreage.
31 So they got to come up with one. But then it's going to be in D.I is going to
32 be called park fund. So you're going to, we're going to create a new fund
33 that they, that is going to be outside of PIF funds. And so what that ends
34 up doing is there are, just my understanding of it could be this. So PIF funds
35 have a lot of restrictions on to them, allowing you to do certain things, you
36 can't raise the level of service of the area. You can't improve certain things.
37 There's a lot of other rules. And I think Steve, you could probably go on and
38 explain to us also what the PIF funds are. But this one, the park fund, let
39 me see if I just understand it in theory. The park fund would be set aside in
40 a different manner that we would be collecting for fees in lieu, and that could
41 be used for, well first it says in here that solely purpose of purchasing or
42 improving land or public park and recreation uses. That's in D.2, but then
43 in B it says that the contributing fees for the purpose of land acquisition. So
44 it's kind of contradicting a little bit. One says you can buy it, just for, you
45 can use it for land acquisition, or you go down to two it says you can use it
46 for purchasing or improving land for public park and recreation uses. So it

1 would be another avenue for the parks, not saying it's a good thing, not
2 saying it's a bad thing, but it could give them extra funds that's not tied to
3 PIF, that would allow them to come in and increase the level of service on
4 certain parks. Is it, I believe that is a true. If, Steve, if you could clarify some
5 of the things that's going on with the extra park fund.
6

7 Bingham: So our interpretation of this is in line with the interpretation that it would be
8 a separate fund accounted separately from park impact fees. Our
9 interpretation is that the fees in lieu, that would be given in lieu of a
10 neighborhood park would need to be used for a neighborhood park. If the
11 fee in lieu is to pay because you didn't put in a neighborhood park, then that
12 fund needs to be used in that manner.
13

14 Thurston: So would you be able to use these funds differently than then you use PIF
15 funds?
16

17 Bingham: I don't believe so. I would need to check with legal counsel, but to me it
18 would need to be for a neighborhood park. And so, for example, yes this is
19 solely for the purpose of purchasing and/or improving land for public park
20 and recreational uses. And so I would say again that be in lieu for
21 neighborhood parks needs to stay in be in lieu for neighborhood parks.
22

23 Thurston: But it wouldn't have to be used for neighborhood parks, right. The intent, I
24 get it. The intent would be to use it for neighborhood parks, but technically
25 the way it's written I don't have to use it for neighborhood parks. I'm just
26 putting myself, if I'm the park director, I like the way that it's written because
27 I can use it for other needs that I need throughout the City. So I mean if,
28 there's two sides of it, right, the one side is some of the areas that have no
29 parks whatsoever, you could possibly use this to purchase land and put a
30 park in. So in other districts, you could use that. I mean that could be a
31 positive for the City of Las Cruces. I'm just throwing out, there's just, there's
32 different ways of seeing this than just saying, well I collected it from this area
33 now I have to put it back into that area. It's not written out that way,
34 fundamentally it's not written that way. So technically, depending on who is
35 in charge at the time, they can interpret this multiple different ways. So if
36 Steve right now interprets it as using it for neighborhood parks, then we are
37 going to receive neighborhood parks. But when we receive a new parks
38 director and they want to use it for other items, they can use it for other
39 items. That's just good or for bad. You know I'm just, that's just the way I
40 understand it.
41

42 Kaiser: But wouldn't, my understanding of in lieu fees is that, well I think we all would
43 probably, well, not all of us, but some of us would prefer that the in lieu fee
44 is kind of your last resort. You've got a site, you just can't get the required
45 acreage because of an arroyo, a steep slope, you're downtown, whatever it
46 may be, you don't just get to say, oh, I'm, I don't have to, I don't have to pay

1 my fair share. I don't have to build a park. The in lieu fee is your avenue
2 for which you're still responsible for your part of the pie. I would think that
3 having the flexibility is a good thing in this fund, because let's take downtown
4 as an example. You're going to be hard pressed to find a parcel that the
5 City can buy to build a neighborhood park. It's possible, but it's going to be
6 a lot harder than if you're out in Sonoma Ranch, West Mesa, East Mesa,
7 right, where you have undeveloped tracts of land that you might be able to
8 scoop up. So I would think that flexibility is exactly what we want because
9 then the City has the abilities, maybe they can't get the land on the north
10 side of Spruce, but there's a parcel on the south side of Spruce.

11
12 Bingham: Maybe you get able to add some parkland to a community park that's in the
13 neighborhood that can also serve as a neighborhood park. Certainly, it
14 could give you that flexibility.

15
16 Thurston: The only thing I'm going to rebuttal on the thought of when the fee in lieu
17 will be used. With the current way that it is written, I believe we're going to
18 be using that fee in lieu a lot more than we currently are. Let me explain
19 why I believe that. I am supposed to give a three acre minimum and that's
20 the standard, unless I receive some specialty use, right. Some special by
21 the parks director that allows me to go smaller. So in order to use the full
22 three acre park that Parks would want, I need to have roughly, well I guess
23 we could probably do the math, but I'm going to just say it's roughly 60, I
24 think it was like 60, 68 acres is when I would finally have enough people to
25 match this number. So of the 1,000, you have to have a 1,000 people
26 equals the 300, equals the three acre park. So in order to get that
27 calculation, it's probably around 60 acres I think is what you're going to get.
28 So if I don't have 60 acres to develop, and I'm not going to be able to get a
29 waiver, I'm probably going to have to pay a fee in lieu. So everything
30 basically, under a 60 acre I'm going to be paying a fee in lieu. If I have a 10
31 acre parcel or a 20 acre parcel and I can put a one acre park in there, well
32 that suffices as long as if I do my calculations right, so if I, I got my, let me
33 just switch back to this page real quick and let's just go off of a 20 acre
34 parcel.

35
36 Kaiser: Real quick though, we have this suggestion that staff has already come
37 back and said that there's flexibility in what you're able to provide. So it
38 seems like there's the outlets where they need to be. Maybe I'm wrong. I
39 mean time will tell certainly. But to me it seems like the reaction isn't just
40 going to be the in lieu fee, because it specifically says that if suitable land
41 for park dedication is not available. You can't just say I'm not going to
42 develop it. You've got to provide some justification I would think. And
43 there's this avenue that you can work with Parks and Rec to say, hey, I can't
44 get you three, but I can give you some pretty cool two and a half. So I mean
45 it just seems like we can go round and round here, but I think there's
46 avenues here at this stage to lower some concerns.

1
2 Thurston: Having gone round and round with Parks on development it, it's not as easy
3 as it's written here. So you do go round and round, and that's why the three
4 acre, I, as a, a three acre should be the goal, but it's not always what's actual
5 going to be out there. And the way it's written right now is more of three
6 acres is what you have to do. And if you don't, if you can't do that, then we
7 got to go through a whole different alternative route. And it just, I've done
8 my fair share of conversing with Parks and making your deal with them,
9 right, and it's, I'm just saying on my side it's a lot easier to, and smoother for
10 us to have it worked out instead of as a deal that me and Steve have to
11 come up with again, or me and someone else in the Parks, right. It just, it
12 makes it a little bit easier. That's my only suggestions. Is having done it, it
13 would be nice to have that acreage or have it written in here. If you have
14 something under 60 acres you're allowed to do under the three acres. But
15 if you have 60 acres or more, you, sorry you're going to give me the three
16 acres, right. If there was some type of wording in there that allowed your
17 development to do it. Because there's a difference really when you come
18 in and master plan 100 acres. Like okay I'm master planning 100 acre.
19 Great, fine, Steve, tell me I got to give me, you three acres. Fine. I'll give
20 it to you, right. Like, I can move it. I can, the percentage of land that is
21 needed when I have 100 acres versus the percentage of land when you
22 shrink it is just different. So if there was wording in here that's basically
23 says, if you have you know some exemptions, an exemption to three acres
24 is you know you're developing under 60 acres you can use this exemption
25 without having to have a Park agreement, without having to go toe to toe
26 and cross your fingers you're a better negotiator than the next developer,
27 right. Like, that's my only issue with it. That would be my suggestion
28 actually is we put some type of wording in there that allows that, if Parks
29 would be okay with something like that.

30
31 Bingham: I think we have the wording in there already that gives us flexibility. And
32 you know you're well over 600 homes before you get to be required to be
33 three, you know before you'd have enough homes that would come out to
34 three acres. And so we're going to have to work together as we develop
35 the City to identify parks, park spaces, and the fee in lieu is going to be a
36 tool to help make developers whole who come in with parcels smaller that
37 will need to have a park. So there's pros and cons of adding more
38 language. We feel like we're in a spot where there's you know the
39 appropriate amount of flexibility.

40
41 Kaiser: So you're welcome to throw out a recommendation and we can collectively
42 agree, or we can take a vote on it. Up to you. I did have one. It's relatively
43 minor recommendation. This is on page 368, G.2, this is basically it's the
44 land dedicated for open space for unimproved parkland or trails must be
45 preserved in its pre-development state. My only recommendation would be
46 that we allow like a restoration project to be acceptable pending that the

1 developer goes through with the restoration. But that would just be
2 something that I would recommend. So not only current state habitat, good,
3 great, but hey I've got this somewhat degraded and we're willing to improve
4 it.
5
6 Bingham: I think that's a great suggestion and would be supportive of an additional,
7 add with an approved restoration plan.
8
9 Kaiser: Those are all my comments on the park section. So if anyone has any
10 recommendations on this that they want to put out there, go for it.
11
12 Thurston: Are you thinking of holding the entire chapter five or just 5-5?
13
14 Kaiser: For now just 5-5. And then we'll move on to the next section.
15
16 Je. Acosta: So 5-5, pardon me, Mr. Chair. Five-five would include revisiting the park
17 session and holding that PFI, PIF for the neighborhood park until mid-2025.
18 Would that, is that part of that section? Because I don't, I feel strongly about
19 not moving forward with that until we actually have, like you mentioned
20 before I don't want to reiterate everything that you said, but I think that is
21 something we really need to consider and not move forward on something
22 that we don't have that other side of the puzzle. And I think home builders
23 brought that good valid point.
24
25 Kaiser: So you recommend, you would like to put a recommendation out there that
26 we not proceed with section 5-5 until the park impact fee process is
27 completed.
28
29 Je. Acosta: At least table it up to this point, yes.
30
31 Murray: And I think we should further that by saying, give the City Council two
32 options, that we recommend that we table 5-5 because we need more
33 information to determine what we want to get for both parties. But also add
34 another condition there, if the City Council wants to move forward with the
35 entire thing so that they don't have to look back at it, that our
36 recommendation as by the Home Builders and Commissioner Thurston that
37 50% is the reimbursable versus none.
38
39 Je. Acosta: I feel very strongly we owe that to our community of Las Cruces.
40
41 Kaiser: Okay. So I'm just making sure I've got this straight. So recommend section
42 5-5 is tabled until after the park impact fee is completed. And then another
43 condition that's recommend City Council if they choose to proceed that 50%
44 of the park impact fee would be waived with the dedication of a
45 neighborhood park. Correct? It's up to you, your condition. Which do you
46 want? Would be reimbursed, okay. Up to 50%. Okay. Why don't we, just

1 get this out of the way? Why don't we do a vote on both of those, because
2 it seems like, unless I'm wrong, there's some not a unanimous decision
3 there. For those two conditions. I personally would like to take a vote on
4 that.
5
6 Thurston: I'm good with that.
7
8 Kaiser: So we'll do one at a time. I don't know. Do we need a motion and a second?
9 Okay. So the first one will be recommendation that section 5-5 is tabled
10 until after the park impact fee update is completed. Need a motion and a
11 second.
12
13 Je. Acosta: I make as presented.
14
15 Thurston: I second,
16
17 Rivera: So this is related to the first condition. Commissioner Thurston.
18
19 Thurston: Yes.
20
21 Rivera: Commissioner Smith.
22
23 Smith: Yes.
24
25 Rivera: Commissioner Porter.
26
27 Porter: Yes.
28
29 Rivera: Commissioner Acosta.
30
31 Je. Acosta: Yes.
32
33 Rivera: Commissioner Murray.
34
35 Murray: Yes.
36
37 Rivera: And Chair.
38
39 Kaiser: No. So that that passed, so it will carry forward. Now I'll do the second
40 recommendation, which is recommend that if City Council, recommend City
41 Council if they choose to proceed with section 5-5 that 50% of the park
42 impact fee would be used for reimbursement of a neighborhood park up to
43 50%. Am I saying that correctly?
44
45 Thurston: Yes, that's correct.
46

1 Kaiser: Okay. So I need a motion and a second.
2
3 Murray: I make a motion to vote on that if City Council wants to proceed forward with
4 section 5-5 that they recommend, or that we recommend that a park fee is
5 reimbursable at 50% of the neighborhood park.
6
7 Thurston: Second.
8
9 Rivera: So this is for the second condition. Commissioner Thurston.
10
11 Thurston: Yes.
12
13 Rivera: Commissioner Smith.
14
15 Smith: Yes.
16
17 Rivera: Commissioner Porter.
18
19 Porter: Yes.
20
21 Rivera: Commissioner Acosta.
22
23 Je. Acosta: Yes.
24
25 Rivera: Commissioner Murray.
26
27 Murray: Yes.
28
29 Rivera: And Chair.
30
31 Kaiser: Yes. Okay, so those two will move forward.
32
33 So we can now move on to Section 5-6 tree preservation.
34
35 Thurston: Can staff show us what was changed on that? I think we had some changes
36 to that one already, right/
37
38 Gonzales: Mr. Chair and Commissioner Thurston. The only change that we modified
39 within there was that the two inches was going to a six inch diameter.
40
41 Thurston: Okay.
42
43 Kaiser: Any other comments on tree preservation?
44
45 Thurston: I personally think we don't need the 5-6 really. We don't have it now, I don't
46 see, we don't have a, what's the saying, if it's not broke don't fix it. We don't

1 really have a problem with it now, we're just adding another layer of red tape
2 for us to have to go through. That's just my opinion. So I don't think it's, we
3 don't have trees growing here very often that are native. So it's more of just
4 a man made tree that we're kind of planting ourselves. I mean very rarely
5 do we have some spot zones that are next to the river that kind of have
6 native trees that grow. Other than that like it's every tree you're probably
7 going to see in the City of Las Cruces has been planted by a man or a
8 woman, or by nature falling down, you know and planting a seed. But it's
9 not from native. So that I just think it's not needed, but that's it.

10
11 Kaiser: Okay. Any other thoughts or comments on tree preservation?
12 Commissioner Smith.

13
14 Smith: Well I mean as far as the purpose, they're really talking about protecting
15 trees that are current. I mean there is a need for trees. There's a need for
16 shade. You know we know that it provides oxygen, and also it's also helps
17 you know far as you know the health of our population. So the way it's, this
18 is addressed it's really just looking at protecting, preserving trees that are
19 already in place. So it doesn't really address you know planting more trees,
20 you know providing more green. Because we do live in an environment that
21 can sustain types of trees that you know that are native and used to be
22 native to this area before they were all removed. So my only reason for
23 making this comment is that I don't know if we need to completely eliminate
24 this section, but I think we need to possibly address it from a, you know a
25 planting of trees as opposed to just preservation. I have no idea how we
26 would approach it but it's just you know from what I've read here.

27
28 Kaiser: I think that's a perfect segue into the next section, which is landscaping.

29
30 Thurston: Yes, I think we can read it in there. If it's left in there the only one I would
31 have is on E where a tree must submit a tree mitigation plan. So we just
32 got to figure out what a tree mitigation plan is. But I agree with you, keeping
33 trees in Las Cruces is good. I just didn't think we had a problem with, I don't
34 see people going out and cutting trees down left and right. So I didn't see
35 that this is really going to change much how we do something. With a tree
36 mitigation, with a, what it's going to do is having tree preservation. This is
37 where I'm coming from is that someone has a tree in their front yard, they're
38 not going to go and call the City, can I cut my tree down? They're just going
39 to cut their tree down. But now it's going to be against the law to cut your
40 tree down. That's the only, but it's still going to happen anyways. So I'm
41 fine if you just want to leave it in there. I just figure out what is a tree
42 mitigation plan.

43
44 Smith: Nothing that confused me also, you talked about protected trees. I mean
45 who would determine and establish which trees are protected which trees
46 or not. And I mean is it based on you know a current list of trees that should

1 be protected/ I mean we're not talking about wildlife here that's protected,
2 we're talking about trees. So I, you know in my time, especially as a park
3 ranger and a wilderness ranger, I know about protected animals, but if there
4 were protected trees we have in Las Cruces, I'm just not aware of.
5

6 Bingham: I would advocate the you keep the protected trees in there, because it's now
7 an effort on the conservation side, not just on the planting side. And as it
8 says, there's plenty of reasons why you can get and cut down a tree that's
9 over six inches. What we're asking is, is if you're going to do so that you
10 come forward with a proposal that identifies how you're going to offset that.
11 So if the tree is diseased or dead, you cut it down and there's no need for
12 mitigation. But if it's a perfectly healthy tree and you feel that there's a need
13 to remove it, so you know you bring forward and you know propose three or
14 four additional trees be planted in the community to offset that long term.
15

16 Smith: So the definition of a protected tree is it based on the health of the tree?
17

18 Bingham: Yes, it would be six inches or larger, and the tree is not dead or diseased
19 and does not create a safety hazard. If it creates a safety hazard, is dead
20 or is diseased then it's not protected.
21

22 Kaiser: And same if it's noxious species, as defined by the state.
23

24 Smith: All right. Thank you.
25

26 Je. Acosta: One additional question. If we require a tree removal permit is, obviously
27 there's a fee for that permit.
28

29 Gonzales: Mr. Chair and Commission, Commissioner Acosta. Right now there has not
30 been, there's no fee assessed to that. If we do move forward with this and
31 it is recommended approval by Council, then we would come forward with
32 the fees that would be associated with those permits.
33

34 Kaiser: All right. Moving on to landscaping. This is Section 5-7. Commissioner
35 Smith, this would kind of address your initial thought of planting trees. So
36 this would have those requirements built into it. Any immediate questions,
37 issues with this section?
38

39 All right. We can move on to section 5-8. This is on fencing, screening,
40 and buffering. Any? I had one that I think is fairly minor. So this is on page
41 382. This is under the required buffer yards. My recommendation is to
42 eliminate the buffer requirements between the residential and commercial
43 zones within the urban place type and the mixed use in town center. So
44 right now if you look there's a requirement to have an additional buffer from
45 NH-3 against the NH-1, and a CR against an NH-1 and NH-2. And I'm just
46 thinking we already have setbacks, so I'm not sure why we would add an

1 additional design requirement to have more spacing, especially in the urban
2 core where things are naturally going to be closer together. I think the set,
3 the side setbacks, the back, the rear setbacks are going to take care of that
4 buffer. I don't see any reason to have additional buffers. So that's my only
5 comment on this section.
6

7 Thurston: I'm good with you.
8

9 Kaiser: Okay. I'm not sure if you were going to say anything. Okay. Any other
10 thoughts on the section 5-8?
11

12 All right, moving on to 5-9. This is the outdoor lighting section.
13

14 Murray: I agree with the recommendation and based on the public comment.
15

16 Kaiser: Sounds good. Any other thoughts on lighting?
17

18 Thurston: Is there a way that we can still achieve the same lighting quality, but being
19 able to use different fixtures that still meet the requirements. So there's a
20 random thing that happens in this is there's a specific light, now we've dealt
21 with this on commercial, and other builders who actually do commercial can
22 explain to you the little bit difference. So there's a specific light that's called
23 out in the manual that you have to use and that you have the specifications,
24 well, that light could be say \$300 but, and that's the approved light, but then
25 you can find the same light for \$50 that has the same thing, but it does not
26 have the light sky ordinance stamp on it, but it has the same outcome. Does
27 that make sense? And so I know some builders have, I've not had to deal
28 with it, but I know some builders have brought that up in the past of like hey,
29 this a \$300 fixture for, but I could buy this one for \$50 and it's the exact
30 same thing. I'm still complying with the night sky ordinance, but it doesn't
31 have the stamp of it on it. And I think, I don't know, I could ask staff if you
32 guys have dealt with that in the past and if, what have you done on the night
33 sky when? Have you dealt with a similar instance?
34

35 Gonzales: Mr. Chair and Commissioner Thurston. Right now we don't actually have a
36 night sky ordinance. We do not have one adopted through the City. Our
37 outdoor lighting is just going to provide basically a fully shielded light
38 capacity to where it is no longer reflecting along property lines or adjacent
39 properties. You're going to just be shielding it to the ground. And so those
40 lumens or those specifications, are going to be based on essentially what
41 your outscape is. And so it's just to protect neighbors from not having that
42 light pollution going into their neighboring properties. That's really what we
43 have right now. The recommendation that was provided this evening and
44 then at the work session the last time was to look at the City of Albuquerque
45 and see what, you know what we could possibly use from that. Staff has
46 not been able to look at that or implement those things through this. We do

1 have the outdoor lighting that has been updated that is a little bit more
2 restricted than what a dark sky would be, but it is a recommendation that
3 P&Z can make to City Council.
4

5 Thurston: Right and like I'm fine in theory with it, I just know that there's some, these
6 are some of the weird little things that will hit us as a builder or development
7 that like it can cause some extra cost for no reason even though I can get
8 the same thing. That's my only concern with it. But as far as buying the
9 right fixture and things like that if it makes people happier that it's a darker
10 sky, that's great.
11

12 Kaiser: Yes. And I think the recommendation is just to give staff more time to
13 evaluate Albuquerque and the dark sky ordinance. I don't know if it has
14 that, you have to have that stamp on that fixture to be compliant. But I think
15 it's just recognizing, it's late in the game but not dismissing the feedback
16 outright. So I'm just giving staff some additional time and hopefully they,
17 less work because it's possibly already written for them up in Albuquerque.
18

19 All right. So I think we're on our last section I think, which is section 5-10,
20 signs. Just kidding, we have one more after this. But any issues with signs?
21

22 All right. And then finally everyone's favorite which is I believe, wireless
23 communications towers, 5-11. Anybody? No. Everything good.
24

25 All right, so just to recap on section or chapter five on the proposed
26 amendments, we have a total of 18. So we have the 14 that are listed on
27 this page, and then we added two more that were related to section 5-5
28 changing the nonresidential to mixed use, and then adding a statement
29 about Park flexibility standards in the urban core. And then the two that we
30 voted on already. So we'll need to do a motion to approve amendments or
31 recommendations one through 16.
32

33 Je. Acosta: I make a motion to approve, or recommendation to approve or moving
34 forward one through 16.
35

36 Porter: I second.
37

38 Rivera: Okay, so this is for the 16 amendments. Commissioner Thurston.
39

40 Thurston: Yes.
41

42 Rivera: Commissioner Smith.
43

44 Smith: Yes.
45

46 Rivera: Commissioner Porter.

1
2 Porter: Yes.
3
4 Rivera: Commissioner Acosta.
5
6 Je. Acosta: Yes.
7
8 Rivera: Commissioner Murray.
9
10 Murray: Yes.
11
12 Rivera: And Chair.
13
14 Kaiser: Yes. All right, now we need to do one final vote that captures everything
15 that we already talked about this evening. So this should just be a simple,
16 well I don't know, whatever you decide, but waiting for a motion to approve
17 the ordinance as amended.
18
19 Murray: I make a motion to approve the ordinance as amended.
20
21 Smith: I second.
22
23 Je. Acosta: I second.
24
25 Rivera: So this is to approve the ordinance as amended.
26
27 Kaiser: Point of order. Do we need to provide a reason in this vote?
28
29 Rivera: No.
30
31 Kaiser: No.
32
33 Rivera: Commissioner Thurston.
34
35 Thurston: Yes.
36
37 Rivera: Commissioner Smith.
38
39 Smith: Yes.
40
41 Rivera: Commissioner Porter.
42
43 Porter: Yes.
44
45 Rivera: Commissioner Acosta.
46

1 Je. Acosta: Yes.

2

3 Rivera: Commissioner Murray.

4

5 Murray: Yes.

6

7 Rivera: And Chair.

8

9 Kaiser: Yes. All right. That concludes our one item this evening.

10

11 **10. STAFF ANNOUNCEMENTS**

12

13 Kaiser: Are there any announcements from staff?

14

15 Gonzales: There are no announcements from staff.

16

17 **11. ADJOURNMENT (8:25)**

18

19 Murray: I make a motion to adjourn.

20

21 Smith: I second.

22

23 Kaiser: All in favor.

24

25 MOTION PASSES UNANIMOUSLY.

26

27 Kaiser: Thank you all for coming out. We'll see you December. Thank you so much.

28

29

30

31

32

33 _____
Chairperson