



# CITY OF LAS CRUCES

**PLANNING AND ZONING COMMISSION  
FOR THE  
CITY OF LAS CRUCES  
City Council Chambers  
October 29, 2024 at 6:00 p.m.**

**BOARD MEMBERS PRESENT:**

Scott Kaiser, Chair  
Joaquin Acosta, Member  
Connor Murray, Member  
Kent Thurston, Member

**BOARD MEMBERS ABSENT:**

Enrico Smith, Vice-Chair  
Jeannette Acosta, Member  
Vanessa Porter, Member

**STAFF PRESENT:**

Larry Nichols, Director Community Development Department  
Chris Faivre, Community Development  
Adam Ochoa, Senior Planner/Building Inspection Supervisor  
Sara Gonzales, Economic Development Project Manager  
Steven Bingham, Director Parks and Recreation  
Katherine Harrison-Rogers, Planning and Construction Admin, Parks

**1. CALL TO ORDER (6:00)**

Kaiser: All right. Good evening, ladies and gentlemen. Welcome to the October 29th City of Las Cruces Planning and Zoning Commission. Thank you for your patience this evening, as we're a few minutes delayed. But really excited that everyone made it out tonight. Really looking forward to the discussion tonight. This is going to be a little bit different than our typical meetings that we have here. This is a work session on the Realize Las Cruces development code update. So we will hear presentation from the consultants, from staff, followed by a discussion amongst ourselves up here on the dais, and then we'll open it up for public participation as well. So with that, can I get a motion to approve tonight's agenda?

Murray: I make a motion to approve tonight's agenda.

Jo. Acosta: Second.

Kaiser: Do you need a roll call? All in favor.

1  
2 MOTION PASSES UNANIMOUSLY.

3  
4 **2. DISCUSSION**

5  
6 **2.1 REALIZE LAS CRUCES DEVELOPMENT CODE**

7  
8 Kaiser: All right, we'll turn it over to staff and for opening remarks. Thank you.

9  
10 Nichols: Well, good evening, Chairman, members of the Planning and Zoning  
11 Commission. Larry Nichols for the record, Community Development. Here  
12 we are with our work session we've been looking forward to now for nearly  
13 two and a half years for this study. You know, our current code is 2001 land  
14 use code or zoning code, and here we are nearly 23 years later. So I guess  
15 that code must have been a good one, it's stood the test of time. And  
16 hopefully this one will do the same. But we'll have this evening as the Chair  
17 mentioned, our consultant, Freese and Nichols from El Paso. We have  
18 Erica Craycraft and Fred Lopez have helped us through this process over  
19 the last two years. And then I want to recognize our staff as well, planning,  
20 community development staff, Sara Gonzales, Adam Ochoa, Dave Weir,  
21 Chris Faivre. I was in several of the meetings as well. And then we've had,  
22 in the presentation you'll see that this is a very well vetted update to our  
23 planning zoning code.

24  
25 Several public meetings, TAC meetings, technical advisory committee  
26 meetings, and meetings with stakeholders. But I'm going to yield the floor  
27 to Erica Craycraft for her to make the presentation for your review, and I  
28 think you'll find it's very informative. Erica.

29  
30 Craycraft: Good evening, Chairman, and members of the Commission. My name is  
31 Erica Craycraft with Freese and Nichols. And I have a presentation I'd like  
32 to share with you all this evening. Again, I'm joining you this evening to talk  
33 about the Realize Las Cruces draft development code that we have been  
34 working on. Again, my name is Erica Craycraft, and I'm the project manager  
35 from Freese and Nichols leading this effort from the consultant side. Also  
36 joining me this evening is Fred Lopez from LOI, and we have several other  
37 team members that you see here that you've also seen at various meetings  
38 throughout the process.

39  
40 For this evening's agenda I'd like to start with a process overview, either for  
41 folks who are new to this development code process, or is just a reminder  
42 for anyone that's been following along. Next I'll touch on some overall draft  
43 highlights compared to the current code that's in place today. And then  
44 focus on some of the major revisions that have happened in the last few  
45 months since this was last presented to you. I'll look ahead at some next  
46 steps; what happens after this evening. And then I'd be happy to take any

1 comments or questions that you may have for us. Overall our big question  
2 for you this evening that we'd like for you to keep in mind is, what are some  
3 of the additional revisions that you would like to see in the draft before it  
4 moves forward toward adoption?  
5

6 So first starting with the code update process, back before we started  
7 anything with the development code, the City underwent the development  
8 of a comprehensive plan called the Elevate Comprehensive Plan. And  
9 through that process that involved a significant amount of community  
10 involvement really to identify the shared vision for the City moving forward.  
11 That plan was adopted in 2020 and shortly after that the City began the  
12 development code update process. From the Elevate Las Cruces plan  
13 there were about 500 different recommendations that came out of this plan,  
14 and you can see the different types over on the right side, some are related  
15 to the development code. Some of the other recommendations are  
16 accomplished by capital improvement projects, maybe future studies that  
17 need to be conducted, and general establishing policy for the City moving  
18 forward.  
19

20 So for our effort, we're really focusing on the items specific to the  
21 development code. And there are about 200 of those items. So as we  
22 began this process we identified all 200 of those items and organized where  
23 in the code those could be addressed, and use that kind of as our starting  
24 point to make sure that we're moving forward, focused on the community's  
25 vision. Some information about the project scope. These are the sections  
26 of the current code that we're looking at through this update. A big focus is  
27 on the zoning regulations, the zoning map, subdivision regulations, and then  
28 also a number of development standards that you see listed out here,  
29 drainage, signs, landscaping, roadways, etc.  
30

31 This update process is a three phase process, and we started this back in  
32 March 2021. So for phase one is what we called the diagnostic evaluation.  
33 So we spent that time reviewing your existing plans, like Elevate, the Active  
34 Transportation Plan, other plans that had been adopted by the City. We  
35 also reviewed the codes that were in place. We met with a number of  
36 stakeholders and code users, City staff members, Planning and Zoning  
37 Commission members, City Council members at that time and other code  
38 users, like builders, engineers, surveyors, economic development  
39 professionals, at the beginning to make sure that we heard and identified  
40 what are the big issues as we get ready to start this process. Once that  
41 was concluded we actually started with the code update. So this was, you  
42 can see the longest segment of this process and that was drafting the code  
43 and drafting the map. During that time, we worked very closely with your  
44 City staff, incorporating their comments and also comments that were  
45 provided from the Technical Advisory Committee as we drafted each  
46 section of the code. Phase two concluded once we had really a complete

1 draft and we were able to look at everything holistically rather than one  
2 piece at a time. Then lastly we are currently in phase three. The purpose  
3 of this phase is now that we have a complete draft we're trying to make  
4 some final touches to it. What do we need to address or revise before we  
5 get to final adoption? For looking ahead we are aiming at final adoption  
6 about in February of next year. So we're getting closer.  
7

8 I mentioned that we incorporated the Elevate Las Cruces Comprehensive  
9 Plan throughout because there was so much positive and helpful  
10 community input during that time, but also through this process we did have  
11 additional community input that we received throughout the process,  
12 beginning to end. We had the code user interviews. We met with at least  
13 45 different folks either at the beginning to get some input as we were  
14 starting, or later here toward the end where we got feedback on the draft.  
15 City staff hosted at least 30 or 33 technical advisory committees, sometimes  
16 called the TAC of local code users and other professionals who could  
17 provide input on the drafts as they were being developed. There were four  
18 Open House meetings to invite public input. Also from an online  
19 perspective, the code was available at various points throughout this  
20 process, and from either a virtual open house or just open commenting we  
21 received almost 300 comments through the online feature. And in addition  
22 to that, we were e-mailed about more than 200 additional comments. So  
23 there's been significant community input to date.  
24

25 So first in the highlights I'd like to focus on the revisions that are kind of the  
26 big picture. How does the draft code compare to what you have in place  
27 today? One of the big recommendations from Elevate Las Cruces, the  
28 comprehensive plan you can see here is the future development map and  
29 the place types. We use that to guide the updated zoning districts. So we  
30 do have a new set of zoning districts, and those include some character  
31 based zoning districts. There are three of them and we call them in NH-1,  
32 -2 and -3. NH stands for neighborhood. And these are really the districts  
33 that have some residential component to it, or may include some mixed use  
34 development as well. And within those three districts, the character based  
35 areas, there are three different character area types. So the difference  
36 between those, the districts prescribes the uses that are allowed, whereas  
37 the character area prescribes more about the building form and the site  
38 design. In addition to those character based districts we do also have more  
39 of the traditional zoning districts that are more commercial based. We have  
40 several overlay zoning districts that again, were informed by the Elevate  
41 Las Cruces Comprehensive Plan. You see the Elevate map on the left  
42 identifying the three different types of overlay zoning districts. And we used  
43 exactly those same district groupings for the overlay districts. The mixed  
44 use corridor, the town center, and the Neighborhood Center are all overlay  
45 districts pulling forward from Elevate. The purpose of these overlays are to  
46 create concentrated areas of increased density, creating vibrant, walkable

1 areas. So again, on the left you see the Elevate future development map,  
2 and on the right is the zoning map. I'll zoom in in just a second. But you  
3 start to see some comparisons about how, where the map on the left really  
4 informed as we were developing the map on the right. Zooming in, that's a  
5 little bit easier to see. I know this is still very small to see on the screen, but  
6 this is available along with the complete draft on the realizelascruces.com  
7 website. So I would encourage anybody to visit that website, and you can  
8 click on a specific property and see what district would apply. Again, that's  
9 realizelascruces.com on the documents page this is available. Also  
10 available on the website, these are the character areas that I mentioned  
11 that prescribe more about the building and building form and site  
12 requirements.

13  
14 This map from Elevate is the future thoroughfare map. It also included  
15 recommended cross sections and roadway design features. We took this  
16 information from Elevate and turned it into roadway cross sections that work  
17 to incorporate multi modal considerations into future street design. We had  
18 some pretty significant updates throughout the code related to landscaping,  
19 trees and parks, some additional provisions for street trees, including  
20 requirements for parking lot landscaping within the park to help break up  
21 kind of a sea of parking, incorporating more screening buffers, requiring tree  
22 removal permits to help with tree preservation for trees larger than two  
23 inches caliber or diameter. And I'll talk more about this in a minute, but  
24 neighborhood park dedication and trail dedication requirements.

25  
26 And just a kind of in general some of the other items that we incorporated  
27 from the Elevate Comprehensive Plan and also the Active Transportation  
28 Plan. Really focusing on including some more building form standards  
29 about how does the building look from the street or interface from the street,  
30 supporting missing middle housing variety. If you're not familiar with that  
31 term, missing middle, that's really referring to everything between a  
32 detached single-family home all the way up to a larger apartment building  
33 or condo building. So that includes like a duplex, accessory dwelling unit,  
34 town home, small apartment. That's really the purpose of missing middle  
35 to provide some more housing options. We had some recommendations  
36 for including neighborhood services within residential areas. You'll hear a  
37 little bit more about that in the next set of edits. Expanding the traffic impact  
38 analysis requirements to include multi modal considerations, so bike and  
39 pedestrian, and also some recommendations to help enhance connectivity  
40 throughout the community, both from a vehicular and pedestrian standpoint.

41  
42 Then for the next section I'll focus on some of the more recent revisions.  
43 So I think the last time this draft was presented to you it was a June 10th  
44 work session, so all these changes are items that have happened since that  
45 date. We do have a new section that we have proposed called transitional  
46 provisions, and this is really focusing on what happens after the code is

1 adopted for anything that has already started the development process or  
2 comes in shortly after adoption of the code. We've proposed an eight month  
3 transitional period after the effective date. The effective date would be the  
4 day the code will be adopted. So for eight months after adoption an  
5 applicant would have the option to either process their application under the  
6 old code which is now our existing code, or they can opt to use the new  
7 code which we hope that they will. So the purpose of that, at the end of  
8 those eight months we can have a list of items you know if somebody opted  
9 for the old code, why did they do that? Is there something that needs to be  
10 improved with the new code? So at the end of the eight months we would  
11 recommend considering a series of minor amendments just to catch  
12 anything that could be improved. Anything that would be submitted, any  
13 development applications submitted before the effective date or the  
14 adoption date would be processed under the current code that you have in  
15 place now. And as far as vesting, sometimes called grandfathering, any  
16 zoning application that's been submitted before the effective date or before  
17 the eight months ends, vest applicants for all the future zoning actions.  
18 Similarly, a subdivision application vests them going forward. So for  
19 example, if a PUD had an approved concept plan before the effective date  
20 or before the eight months ended, they could continue to use that PUD  
21 concept plan and come in with a site plan based on that, and continue  
22 moving forward with that process.

23  
24 One other edit is related to the flexible development standards. In a  
25 previous draft we had some recommendations where we had flexible  
26 development standards kind of scattered throughout the document. So it  
27 was in the landscaping section there was specific standards there. In the  
28 parking standards, it had specific standards. And what we heard from City  
29 staff and some others was that was just too confusing to have it spread out.  
30 And so the change here was switching it back really, to how it is now. So  
31 there's the tier one and tier two that allows administrative approvals for  
32 minor deviations from development standards. So this is a change in the  
33 sense that it's a change to our working draft, but it's really returning back to  
34 your current practice.

35  
36 The historic preservation chapter. Chapter 2 has several edits. One of  
37 those is you'll see a lot of text at the beginning that is struck out. Those  
38 were duplicate provisions. There's another part of the City's code of  
39 ordinances that actually establishes HPC, and so we took out anything in  
40 our section that might conflict or duplicate what is elsewhere in your code.  
41 So that was removed.

42  
43 And then also as the responsible City official for administrative decisions,  
44 we specified the Community Development Director or their designee. That  
45 was a change that we made really universally throughout the code,  
46 elevating everything to a director level position for consistency.

1  
2 Again, a change that we've made since a previous draft, we initially had  
3 proposed the Neighborhood Center Overlays, again from the Elevate place  
4 type overlays. That was proposed as a use classification. We had since  
5 changed that to an overlay district, so that's really just a minor change in  
6 how it would be administered. It has a very limited list of allowed uses,  
7 because this would be typically a smaller commercial node in a residential  
8 neighborhood. The list of uses that you see here at the bottom, that's an  
9 exhaustive list of all the uses that are allowed, and this would require a  
10 rezoning to designate this.

11  
12 We recently made some revisions to the dimensional standards to allow  
13 some increased flexibility. For all of the districts we have since removed a  
14 minimum lot area. And for the NH or neighborhood districts, we also  
15 removed the minimum lot depth. And the purpose of this again was really  
16 to increase flexibility in these areas. So instead of those dimensional  
17 standards, lot size would then be regulated by, they all have a minimum lot  
18 width, and they all have setbacks.

19  
20 We have several changes to the permitted use chart. We added a new use  
21 called a cafe, which is defined as being smaller than 3,000 square feet, so  
22 it is a very small building footprint. Also a local grocery, that was an existing  
23 use, but we did add both of those to be allowed in NH-1 by right. That was  
24 something that we heard from the community, and then also from City  
25 Council about making sure that there was increased access to food in  
26 residential areas. So we did add that. Local retail was also added back in  
27 to NH-1, but it would require an SUP. And again, it must be less than 3,000  
28 square feet, with the intent that it's still compatible with residential areas.  
29 We did change a drive-through to be prohibited in NH-1. A tap and tasting  
30 room to be permitted by right in NH-3. Gas pumps and car wash in NH-3  
31 by right, but only on a collector or higher roadway. And also changed  
32 cannabis production to be prohibited in the two lower intensity NH districts.  
33

34 Back on what I mentioned about the missing middle housing, trying to  
35 support more housing variety in the duplex, triplex, quadplex type housing.  
36 We removed, we had previously suggested some compatibility provisions  
37 that related to where these uses were located and how the building was  
38 designed, if they were near single-family homes. And what we heard from  
39 the community was you know that wasn't really a priority, that we were more  
40 interested in supporting more housing options. So we did remove some of  
41 those provisions in the latest draft. Similarly, for multifamily dwellings, we  
42 had previously split the multifamily uses into two different groupings. One  
43 was for the smaller multifamily complexes that's five to 12 units, and then  
44 for 13 or greater. Just to simplify, we made those one multifamily use so  
45 that helps clean everything up a little bit. It's instead regulated by dwelling  
46 units per acre. And we did allow those by right in all three of the NH

1 neighborhood districts. And similar to the duplex standards, we did remove  
2 the compatibility provisions to try to make this more affordable, attainable  
3 for folks to do.

4  
5 For the off street parking requirements. The first part of this is not  
6 necessarily a change, but the minimum parking requirements are  
7 established in the permitted use chart. There is no off street parking that's  
8 required in downtown, the urban character area, and then any of those three  
9 overlays that I showed earlier. We have previously applied a maximum  
10 parking standard where there was a limit to if you wanted to exceed the  
11 minimum, you could only exceed up to a certain amount before you started  
12 having to do things like permeable pavement and things like that. We heard  
13 that not everyone liked that, so we reevaluated the maximum parking  
14 requirements and removed those from all the uses except for maximum  
15 parking now would only apply to what you would typically think of as big box  
16 uses. So the regional grocery, regional retail and shopping center really  
17 focused on trying not to have the sea of parking effect.

18  
19 We have also made some adjustments to park dedication. The first part of  
20 this again is not necessarily an edit. This section does only apply to  
21 neighborhood parks and trails. So neighborhood parks are the smaller  
22 ones. The larger parks are regulated and handled through the City's impact  
23 fee program. So we're only looking at neighborhood parks here. And this  
24 section specifies that park dedication and improvements of the parks is  
25 required. and the main change that happened here, there's a simplified  
26 calculation for how you would determine how much park land is required for  
27 your development that's outlined here, but that's really the main change  
28 here. We also had specified previously the required improvements in the  
29 code, so that's things like maybe how many picnic tables you would provide,  
30 or swing sets, or things like that, that's since been moved to a separate  
31 manual so that can be maintained and updated over time. And lastly,  
32 adding some clarification for the timing of when parks have to be developed.

33  
34 So looking ahead at our next step. So here we are tonight at our work  
35 session. Again we would love to hear any feedback or questions that you  
36 may have for us ahead of next month. The City will ask the Commission to  
37 meet again on November 19th for a public hearing and to consider providing  
38 a recommendation for the draft code to move forward to City Council, along  
39 with any adjustments that you would like to see. After that, we'll conduct a  
40 similar work session with City Council on December 9th to get any feedback  
41 from them. And then Council would be asked to consider adoption at public  
42 hearings on February 3rd and 17th. So that concludes my presentation,  
43 and I would be happy to take any questions or comments. Thank you.

44  
45 Kaiser: Thank you. Any presentation from staff or that's it. Okay. Appreciate that.  
46 Thank you for running through and providing a high level overview. Really

1 excited to see some of the things that have been discussed you know  
2 throughout the process finally make it into this version of the draft. So I  
3 think we're headed in the right direction. I think there's still some things that  
4 we can certainly discuss tonight and possibly get some last minute tweaks,  
5 but appreciate all the work that's gone into it up to this point. I know it's  
6 been a long process, lots of bumps, perhaps curves in the road, but I think  
7 we're getting close.  
8

9 Turning to my colleagues, opening up for discussion. I don't know if staff  
10 wants to facilitate. I guess I can facilitate. But I think maybe the most  
11 efficient route here would maybe to go section by section so that we can  
12 kind of, you know we're not jumping around all over the place, and we may  
13 be methodical about how we go through it this evening. So I don't know if  
14 that works for you all, if there's a different approach. I'm seeing nodding  
15 heads, so maybe we go with that approach.  
16

17 So the first section would be Chapter 1, general provisions. I'll just open it  
18 up. Any questions, comments on this particular section?  
19

20 Murray: I think my first comment which is kind of pointless, but I just want to ask  
21 clarification. Page 21, g, item E, this is on notice for public hearing regarding  
22 the signs that are put on the property. This is, E is kind of just saying signs  
23 must be removed by the property owner, applicant, or representative within  
24 one week or the final decision. My question comes in, is there going to be  
25 any enforcement to that that needs to be stipulated in the code? Because  
26 I know that there have been signs out there for a long time, and I would  
27 prefer to see them taken up after the decision is rectified, if that makes  
28 sense.  
29

30 Gonzales: Mr. Chair, Commissioner Murray. What we can do is work with codes in  
31 implementing a program essentially that once all the signs are done, we can  
32 reach out to our applicants, let them know to go ahead and remove their  
33 signs. If they're not removed within a week, then we would have codes go  
34 out there and give them a citation. That'll help us at least get through those  
35 processes of getting the signs removed. I know that has been a concern  
36 for years, and it's generally once a case is heard and the development  
37 doesn't take place, usually the sign stays up, so that's something we can  
38 work with our codes department on.  
39

40 Kaiser: So is that the case so if they come before Planning and Zoning and there's  
41 a decision made or a recommendation made to City Council, does the sign  
42 stay up until it goes through City Council? Because presumably there's  
43 going to be a new sign, right with the new date and everything.  
44

45 Gonzales: Mr. Chair and Commission. Normally, what takes place is we will have them  
46 either take down the sign, because a lot of times we have the winds here,

1 it's going to damage it in order for them not to have to repay for an additional  
2 sign. They'll remove the sign, hold on to it, and then we'll provide them  
3 replacement stickers, and the sign goes up at the time that the City Council's  
4 decision comes in.

5  
6 Kaiser: Okay. Yes, that would be great because there can be a delay and we know  
7 how the winds can thrash things around, around here. Any other question?  
8 Commissioner Acosta.

9  
10 Jo. Acosta: You know just reading a little bit about feedback on Section F here, and  
11 looking at the appeals. The part that just is discussing you know the fees  
12 to be assessed for you know an applicant putting in an appeal for you know  
13 whatever decision. I'm just curious if there's any potential that you know the  
14 fee could potentially be refunded if the decision was reversed. I do  
15 understand that the City would take significant hit in that situation, but if it  
16 was reversed I would also potentially argue that the applicant is taking a  
17 significant hit in waiting to go through that appeal process and making it to  
18 that point as well.

19  
20 Gonzales: Mr. Chair, Commissioner Acosta. The problem with that, that we would run  
21 into is a lot of times we already have our fee schedule adopted. We have  
22 to take the fee schedule separate to City Council. Unless there's a process  
23 in which we can waive those, it's very hard to reimburse because normally  
24 what that entails is you're going to have your application fee, which is  
25 generally nonrefundable for any application that comes forward. An appeal  
26 works the same way, you're providing an application fee for an appeal. Next  
27 we would have any of the notification fees, and so you're looking at either  
28 sign or letters going out to the actual neighbors. Those are nonrefundable  
29 as those are part of that process. So it's very difficult to provide that as a  
30 service or a refundable process just the way that it's laid out. It's known that  
31 you know if you provide that application there is no guarantee as there is an  
32 appeal process. Once it's actually appealed, even if they go to City Council,  
33 there is always an opportunity for them to appeal that decision to District  
34 Court, in which they would also not be reimbursed on those fees either.

35  
36 Jo. Acosta: Can I just follow up with that? And it's kind of a general question, but do we  
37 have a way to I guess, maybe annually or whatever review all the appeals  
38 that you know would have been successful and/or try to incorporate that  
39 into this 25 year review. Just curious if that was anything that went into this.

40  
41 Gonzales: Mr. Chair and Commissioner Acosta. I think that's a lot of the reason why  
42 we are redoing the code. We've seen a lot of variances come through.  
43 We've seen a lot of zone changes. A lot of appeals have gone through.  
44 And so a lot of the modifications we have made and implemented into the  
45 new code will provide some of that relief that we've noticed needed to be  
46 changed.

1  
2 Jo. Acosta: Thank you.  
3  
4 Kaiser: Any other comments or questions on this section?  
5  
6 Thurston: The way I wrote my notes down is a little more scattered than ...  
7  
8 Kaiser: Did I screw you up?  
9  
10 Thurston: Yes, it messed me up a little bit that we're going chapter by chapter,  
11 because I just went in and found that the areas that needed improvement  
12 in the things that I've been doing. So I think as of right now, Chapter 1 is  
13 good.  
14  
15 Kaiser: I've got a couple of questions on chapter. So the eight months I guess grace  
16 window for lack of a better term, for the transition, where did eight months  
17 come from? My understanding is typically a six month time frame. Just  
18 curious where the eight months came from. Why that?  
19  
20 Gonzales: Mr. Chair. We generally look at what's going to be comparable. We will still  
21 have applications in place, and so it's kind of, at six months sometimes we're  
22 still getting people through that process. In order to make it to where an  
23 application can actually make it through that one year term, a lot of times  
24 we have to evaluate what currently our processes are. And so we're looking  
25 at the amount of review times that we're going through with applicants.  
26 We've adjusted to basically see where we can get them through that  
27 approval process. So at the end we get some type of approval before that  
28 year deadline comes up. Eight months generally when we're working with  
29 developers or contractors or design professionals, you have your review  
30 time frame, you have the you know the time that it comes back to make all  
31 the modifications, those reviews again. When we generally look at three  
32 view reviews or so, we're putting in that time frame to make sure that they're  
33 accommodated and we're not looking to extend any of these projects  
34 moving forward. We want this to be just a firm deadline, so we're not trying  
35 to do 15 extensions when it gets time.  
36  
37 Kaiser: Understood. Thank you. And then on the he approval authorities table. A  
38 couple of just questions, comments. The first one being the final plat  
39 approval, correct me if I'm wrong but currently we, the Planning and Zoning  
40 Commission approves the final plats, correct.  
41  
42 Gonzales: Mr. Chair, and Commission. Depends on a final plat. So generally what  
43 you would be looking at, final plat provisions are if they are not  
44 nonadministrative replats, and so they are still considered a final plat. And  
45 so you have alternate summaries that go through just administrative staff  
46 for approval. P&Z would make determinations on nonadministrative replats.

1 It's still considered a final plat; it's just decided if it's minor or major. That's  
2 the difference the way that the new code is written. They're no longer called  
3 replats. And so with a final plat there would be a P&Z recommendation for  
4 those that are being lot splits that are more than two lots, or are part of  
5 anything that has not been previously subdivided that's increasing the  
6 number of lots from the original.  
7  
8 Kaiser: Okay, but are, am I not correct then in our current process if we see a  
9 preliminary plat that we approve, we also then see the final plat, correct.  
10  
11 Gonzales: Mr. Chair. Currently you do not see the final plat. You are approving the  
12 preliminary plats in the current phase, and then staff is approving their final  
13 plat following the preliminary plat approval, the only time that P&Z would  
14 see them. I think what you're deferring to is going to be the final site plan,  
15 which is currently the provisions for a planned unit development. So a final  
16 site plan would come in as if it was complimentary to a preliminary plat, but  
17 that's through the PUD process.  
18  
19 Kaiser: Okay. I guess I'm a little confused, because we definitely have items that  
20 are final plats that we're typically approving at the consent agenda.  
21  
22 Gonzales: Mr. Chair. I would consider those probably either nonadministrative replats  
23 where you're going from say one lot to two lot split, and you're increasing  
24 the number of lots, or they're called out as preliminary plats. As far as final  
25 plats, right now they would be done administratively through staff, because  
26 they follow the final platting process because something else has already  
27 been approved prior. Or they use the alternate summary process which is  
28 still following final plat subdivision requirements is essentially what they are.  
29  
30 Kaiser: Okay. So basically the process is not changing.  
31  
32 Gonzales: We are not changing any of the subdividing processes nor the roles of what  
33 P&Z would be recommending or approving at this time.  
34  
35 Kaiser: Okay. Thank you. This is maybe less of, well it is a question, but I know  
36 there's a few folks in the audience tonight that are here to hear and discuss  
37 issues around historic preservation, so I'm wondering if staff or the  
38 consultant could explain any changes in that process from what we currently  
39 do to what's being proposed here.  
40  
41 Craycraft: Sure I can start and then I'll hand it over to Chris. So one of those changes  
42 was the designated authority, the City staff member that's responsible for  
43 that position. I believe now it currently reads Historic Preservation  
44 Specialist, although that's not currently a filled position, and that name may  
45 change over time. But for consistency with the rest of the code we did  
46 change that to the Community Development Director as being the

1 responsible City staff official, and that also includes their designee. So if  
2 there is a Historic Preservation Specialist or Historic Preservation Officer  
3 that person could also be the Community Development Director's designee  
4 for administering that chapter.  
5

6 Gonzales: Mr. Chair. And I would also reiterate the roles that were listed within the  
7 original Chapter 40 have basically been relayed into the same code. So  
8 going through each chapter and each section, none of the rights or the  
9 authorities were changed. There are still types where you know certificate  
10 of appropriateness is still decided by the historic preservation commission  
11 at this point or committee. But there is no change as far as what their roles  
12 were. It was minor modifications that came over and then changing of  
13 course the position type just because we're not sure if that position would  
14 ever change. We don't want to have to come back to Council every time  
15 and modify that because that creates a time lapse when somebody submits  
16 an application to get that person on board, and we don't know how long that  
17 may or may not take.  
18

19 Kaiser: Okay. But the process and the, I guess role of the Historic Preservation  
20 Committee and what they recommend or not recommend, what they're  
21 involved in, that's the same as it is now.  
22

23 Gonzales: Mr. Chair. That is correct. Yes.  
24

25 Kaiser: Thank you.  
26

27 Thurston: I got one for Chapter 1. I got a question for you. Mine really has to do with  
28 the amendments to the document code, which is in Chapter 1, just on page  
29 2030 that I have. And it's not necessarily dealing with a transitional period  
30 of the first little bit, you know the eight month period. In the, let me give you  
31 a little story behind what I'm trying to tell you is, I was involved a little bit with  
32 the UDC that was done when the county changed their zoning. And what  
33 ended up happening is, once it was adopted there was a lot of things that  
34 we didn't see in this plan, in the UDC, but because once it was passed, it  
35 was passed in the light of It's a living document. But then what ended up  
36 happening is, even though it was a living document, the staff then turns it  
37 not into a living document and it becomes what they're going to tell us what  
38 we can and cannot do. And so we had to actually find a commissioner to  
39 come in and change some of the little things that were just missed. For  
40 example, one of the little items that was missed in the UDC was we had a,  
41 all sidewalks went to a six inch thick concrete. And so we didn't really need  
42 a six inch thick everywhere, just for a walking path. And so that was one of  
43 the little provisions that we changed back down to a four inch. The issue  
44 with that was we had to find a commissioner to actually come in and help  
45 us amend that, so just at the beginning. Then I believe after that short  
46 amount of time that we had, then those provisions were changed by, you

1 know the development group came out and you know other people came  
2 out as well and said, hey, we missed item one, two, three, four, five. Well  
3 what that ended up happening for us is then we were able to change the 30  
4 items, and then I don't think we have really had many changes since then.  
5 So just as a knowing that this is a living document, as it moves, as it changes  
6 and stuff like that, and we're actually implementing all of this, is there  
7 anything in the first say year that allows us to not, to have like a mandatory  
8 come back, double check things, so that when the public does have, you  
9 know we got over the year span kind of like, I'm a home builder, it's kind of  
10 like, hey I built your house, we messed up on five items here. Well, we  
11 submit a warranty, right, and then we go back and we fix the five warranty.  
12 But in this case we'd have to find a commissioner or a City Councilor to be  
13 able to do that. Is there anything in your code just for that transitional period  
14 that allows us to have a little bit of that flexibility instead of just? I hope I'm  
15 coming up clearly.

16  
17 Craycraft: Yes, I think so. So that is really the purpose of the eight month transitional  
18 period is if there is something that makes it unusable for a particular  
19 development, they can always opt to use the old also current code if that  
20 works better for them. At the end of the eight months, we would recommend  
21 that you revisit all of the items that have been issues over the eight month  
22 period and do an amendment at that point. So beyond the eight months,  
23 what a lot of cities opt to do is plan for once a year to do updates to the  
24 code. You can do others in the meantime if there's something specific that  
25 comes up, but that's more general practice for the City, that's not always  
26 included in the code itself.

27  
28 Thurston: So in the in the end of the eight months your recommendation is at that  
29 point then we can come through with, because we're going to see people,  
30 developers or individuals that come in and have these little changes and it's  
31 going to be the first time using this new code and then all sudden we're  
32 going to say, oh, we missed line item this and you know this little provision  
33 in there.

34  
35 Craycraft: Exactly.

36  
37 Thurston: But you're saying so at the end of the eight month revision, is there  
38 anywhere that says we need to mandatorily come back and check this? Or  
39 is that just naturally going to happen in this process?

40  
41 Craycraft: That is not currently included in the code. We wouldn't typically include that  
42 in here. That would be more of just a policy recommendation for reviewing,  
43 One other item I wanted to add for your example about the sidewalk  
44 thickness wasn't quite right. One other good change about what we have  
45 done is pulling out a lot of the technical standards, like sidewalk width into  
46 a technical manual document that can be updated separately as needed, a

1 lot more easily than a code can be updated. So if there are more technical  
2 details like that that need to be adjusted more frequently that can be done  
3 more easily than it is today.  
4

5 Thurston: With those technical details, do you know when those are actually going to  
6 come out?  
7

8 Gonzales: Mr. Chair and Commission. We hope to have those ready for your packets  
9 next month. We did provide some revisions. We've been going through  
10 that process of getting those revisions done, and then they will be out for  
11 your review, so that way you can provide some of those comments next  
12 month before recommendation. What staff would be doing is taking this as  
13 a separate resolution to Council for adoption, and then staff would be  
14 monitoring, basically modifying this administratively as we see those issues  
15 or concerns coming up, as that would be more of that living document. The  
16 code is written in a sense of, this is the code, this is what's required, and  
17 then this is how you're going to do it, is what the technical manuals will  
18 provide.  
19

20 Thurston: And does this manual show us how to update the technical codes of this?  
21 Is it just written somewhere that says, here's the, this is the procedure of  
22 how to update it?  
23

24 Gonzales: Mr. Chair. Normally when a process is coming, when we're going to amend  
25 codes normally it's because we've identified that there's been  
26 discrepancies. We notice that we see the same things happening or the  
27 same things being questioned, and so we document those, and then we  
28 would come back with amendments every year if we tend to see those. If  
29 it's something that we would want to change right away because it is going  
30 to affect you know development or some type of discrepancy with any of  
31 our other cases moving forward, we'd probably put that on the next agenda  
32 to Council, because every time it has to go to Council when it's a code  
33 modification. Whereas the technical manual will be done administratively  
34 through staff. So that's going to be working with the development  
35 community to see what issues we're running into, and was this right, was  
36 this wrong, and then making those modifications at that point in time, so that  
37 you wouldn't have to wait. It's going to be a smoother process. And so that  
38 would be working with Public Works department, Parks department,  
39 anybody who's going to be part of those technical manuals in order to  
40 update you know maybe it's park installation of what kind of equipment or  
41 any other policies or plans that they have in place.  
42

43 Thurston: Thank you.  
44

45 Kaiser: Along the lines in the technical manual, how, how would the public provide  
46 input into those processes? For example, we have references to say traffic

1 calming measures. As it's written right now that's a technical manual,  
2 completely administered and maintained by staff. But how would say the  
3 bicycle advocacy community be engaged in any potential updates or  
4 changes to that technical manual to improve accessibility and safety of our  
5 transportation network. Is there a way for the public to, because right now  
6 we haven't seen any of that. So you're referencing them. I don't know what  
7 they say. And I understand the staff's position of doing it that way, and I  
8 completely agree with it, it makes changes a heck of a lot easier. But I'm  
9 also concerned that there, it can be used to not make changes. You know  
10 staff doesn't have to update the manuals. So I'm just curious how the staff  
11 kind of see that playing out down the road.  
12

13 Gonzales: Mr. Chair. That's one of them I'm going to have to figure out how we're  
14 going to do those processes. How we would make it to where it's public  
15 viewing. And then also be able to say you know these are what's going to  
16 be made as changes as they continue to grow. A lot of them do reference  
17 you know adopted plans or policies already when you follow NACTO and  
18 AASHTO, and all those are actually identified within there, and they're  
19 updated based on the time frames that those get updated. We also have  
20 state requirements when we follow ADA standards, and so those get  
21 updated. Let me look into what processes we can do and maybe how we  
22 can actually formulate that public input. We will have these available though  
23 online, so at least getting us through the point of Realize and then coming  
24 up with a process in which we can modify those after I think is what we'd  
25 probably discuss.  
26

27 Kaiser: That's great. And that's totally fair. I just think it would be helpful to kind of  
28 understand how those changes would get made. But I completely agree  
29 with the approach, especially for some of these really technical things,  
30 where things do change quite frequently and being able to stay nimble I  
31 think is a good thing.  
32

33 Faivre: Mr. Chair, Commissioner. If I could make a comment. Chris Faivre,  
34 Community Development. One of the things that staff has discussed is  
35 more of a robust educational effort once Realize has been adopted to  
36 engage the community more on some of these issues. I know specifically,  
37 we've had conversations around carpools and things like that, that maybe  
38 the community wasn't as up to speed on. So part of what we're looking at  
39 is creating more of an ongoing engagement to make sure that the  
40 community is aware of the new adoption and some of these new changes.  
41 And we can certainly incorporate some of these other things into that  
42 process and make it more of an ongoing attempt to stay engaged, whether  
43 it's through more work sessions here at P&Z, or through City Council or  
44 other things. But that is something that's on our radar, especially given how  
45 long it's been since this code has been adopted. We don't want to go down  
46 that road again.

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Kaiser: Thank you. Any other comments on first section, chapter one?

Thurston: Just along with that comment that we're talking about right now. It's more of just a clarification of how to do it, right. It's not. It's kind of like a discussion that we had before, not in this meeting but it was more of like in the book if I needed to have some technical debt or technical things changed, what's the process? And I think that's kind of more I might, it just, I just want to know the process of how to do it as someone coming in, if I'm a bicyclist and I want to just know how do I put my input in there? Is there a way in the code that it says, okay this is, if you want to change these I do it by this process. And that way it's just kind of, it's just a little bit clearer for some of those processes. Because I know on the development side, there may be certain things that we're saying, hey, this is you know new engineering came out, there's a new, there's always new products, other things like that that we can update those technical sheets, whether you know they're just things like that that, okay now the new technology is here, what do I do to update this code so that we can remove this one and it just more clerical, like written process is all I'm trying to say on that.

The other one that I have, and I'm not sure if it's in Chapter 1 or if I should bring it up here. Mine is, I don't know where this fits. And what I ended up writing here on my notes is like the current code, what is the flaws of our current code with the City and processes and things like that? And one of them that I have is the building out of new roads and of fixing old roads, where we have a development that has been there for 20 years or 40 years, and a new guy comes in next to it, and then the new guy has to build all of the new roads. And then you can drive-throughout this City and you'll see it go from, Mesa Grande Drive is a great one, four lanes to two lanes to four lanes back to two lanes. And I was just trying to figure out where would I bring that, seeing that, I think that's one of the issues we have with our current code, and then I would like to see that somewhat updated or point me in the right direction to understand how is that problem being addressed in the new code? So that we can, kind of, the things that I have here is the cost sharing, it always ends up going to either the first guy. You know the first guy in is the one has to spend all the money to put it in. And so really it creates a lack of development. It's always the last guys the winner. So I'm going to wait till the end, as long as I can because then someone's going to put all the improvements in and then I'm going to come in. And so some of our pieces of land throughout the City you'll notice that don't get developed, which could be prime pieces, but it's because the improvements of certain items are so expensive on the roads, so they'll wait and wait and wait. So I don't know if this is the right section to ask that question, I can wait. But I just, it says general provisions, and it seemed more maybe that's the area to ask.

1 Gonzales: Mr. Chair, Commissioner Thurston. Where that's going to be located is  
2 you're going to have the provisions of when you do a subdivision, that is  
3 when road improvements are required. At that point then it's going to take  
4 you to the technical manual which is going to tell you what's required at the  
5 time that you actually do these improvements and what you actually install.  
6 So once again you're talking about at subdivision you're required to do the  
7 improvement, and then this is how you're going to be doing the  
8 improvements. I think at that point if there's going to be a cost sharing or  
9 something of those natures, providing those comments so that way staff  
10 can look at them to see if there are alternative options that we may be able  
11 to either implement within the technical manual or through code. That  
12 would, I mean, we'd rather hear them so that way we can start evaluating  
13 them. They may not be known right now. We know currently if you build a  
14 local roadway on a subdivision, you're required to do all of the  
15 improvements. And yes, that does provide it for anybody who's adjacent.  
16 A lot of the roads that we did take in may not be improved, especially out  
17 on the East Mesa, whenever we did our annexation in waivers have been  
18 given to certain developers. Some of them have not been and so we have  
19 to calculate that as well.  
20

21 Thurston: Like another example is on Del Rey there's a building that was built there  
22 and so the development has happened on that piece of land. And you go  
23 from four lanes down to two lanes, but you have this existing building. And  
24 so who's required to do that anymore? It's always, typically it's the  
25 developer at the time. And so I'm just trying to figure out do we have  
26 anything in this new code that is going to help that error, in my opinion, of  
27 the City code. Do we have anything to address you know existing road  
28 issues, who's paying for it? Because I know in the old code it was basically,  
29 it's not in there at all. It's, you just, whoever the developer is you put it in.  
30 And so I was just wondering, is there a provision we can put in there for the  
31 City that says, hey if, what's a way around this, the issue that we see  
32 throughout the City. I don't see it addressed in here, but if you guys can  
33 point me and help me what has other cities done that you've seen, or other  
34 codes?  
35

36 Craycraft: Sure. This is partially addressed in Section 5-2.  
37

38 Kaiser: I'm sorry. Do you mind just getting a little closer to the mic? It's kind of hard  
39 to hear.  
40

41 Craycraft: Sorry.  
42

43 Kaiser: Thanks.  
44

1 Craycraft: In Section 5-2, roads, right-of-way, and parking, in item C, street design  
2 criteria. On my version it's page 307, but yours might be different. Items 5-  
3 2 C.  
4

5 Thurston: 5-2 C. So I will hold off my comments then on this until we get to five, if  
6 that's where we'll have that discussion then.  
7

8 Craycraft: Sure. Thank you.  
9

10 Kaiser: All right, final call on Chapter 1. All right, moving on to Chapter 2, this is  
11 historic preservation. Any comments questions? I'll give folks a minute to  
12 look at their notes. I had one point of clarification. Let me see if I can locate  
13 this section. But basically I think there was, and of course I'm not going to  
14 be able to find it. There was some language about, I believe it was when  
15 there's a potentially eligible structure for historic preservation. And there  
16 was something about that the, really in order for any protections to be  
17 applied that the property owner had to be in agreement. Is that an accurate  
18 statement of what it says?  
19

20 Gonzales: Mr. Chair and Commissioner. That is correct. If a property owner does not  
21 wish to be a part of a historic district and have their property on the historic  
22 registry, it is their right to say no.  
23

24 Kaiser: Okay. But I'm not necessarily talking about historic district, but the golf  
25 course, the old country club, I think is a good example. There was that, the  
26 Trost clubhouse. In that case, the developer opted, you know they didn't  
27 want to do anything with it. They made some overtures, but ultimately they  
28 decided they were going to demolish the building. In that situation there  
29 was absolutely no recourse for the City to save that structure outside of  
30 removing it from the parcel, because the applicant, the owner in this case  
31 presumably wouldn't have agreed to any protections.  
32

33 Gonzales: Mr. Chair. I think what it comes down to, and if you know if I'm  
34 understanding correctly, a lot of times it is if you have a historic property, if  
35 it is already listed on the registry, then yes it would follow the guidelines that  
36 are provided by the historic preservation, you know by SHPO from the state.  
37 If you're asking for a new property to come in though, they have the ability  
38 to say that they don't want to be on the historic registry. They can say no  
39 to that. And so it's, you're in a district, you're already defined in a district  
40 say, you're part of that district, but you don't have to be a part of the actual  
41 registry. And that changes whenever you demo buildings. When you  
42 demolish a building, even if you're on the historic registry, there is a process  
43 outlined as to what you would actually do as far as a demolition of a building.  
44 And so depending on if a structure is contributing, if it's you know  
45 noncontributing that plays a factor in when a building is actually demolished  
46 or not, or when recommendations are made for it to be demolished.

1  
2 Kaiser: Okay, that makes sense. But my understanding is that the way that this  
3 section is currently written that you do not need to be part of a historic district  
4 to have your structure building be recognized and protected by the City  
5 under the historic preservation, correct.  
6  
7 Gonzales: Mr. Chair. That is correct. Yes.  
8  
9 Kaiser: Okay.  
10  
11 Gonzales: That could be any property. So anything that is older than 50 years, if they  
12 are reached out to and asked you know do you want to be part of the historic  
13 registry? Yes, it gives them the option of yes or no.  
14  
15 Kaiser: Okay. Fair enough for your average homeowner. But let's say a developer  
16 comes in, they buy up a property in town that has the most amazing building  
17 Las Cruces has ever seen by an architect that's world renowned, there  
18 would be no recourse for the City to protect that structure if it's not in a  
19 historic district already, because the property owner would decline that  
20 designation. That's what we're, that's how it's written now.  
21  
22 Gonzales: Mr. Chair. That would be correct because it is not outlined anywhere in  
23 which they have to follow those provisions or those protections. And so  
24 they would go through the demolition process.  
25  
26 Faivre: Mr. Chair. I think this is probably a question that might be best followed up  
27 at the next meeting. There are specific laws regarding property rights that  
28 the City attorney could probably speak to specific to that without getting into  
29 too many, too much of the weeds here. The City has very limited purview  
30 in what they can require someone to do on their private property. And this  
31 sort of falls into that category, that we can probably get more clarification  
32 from the City attorney for. But yes, you're correct the City does have very  
33 limited capacity when it comes to forcing someone to do something on their  
34 property with a building that meets you know a historic time frame.  
35  
36 Kaiser: Yes. Okay. Yes, I understand. I just think, and I'm no historic preservation  
37 expert so I don't know what the answer would be if there is an answer, but  
38 it just seems like there's got to be a way or I would like to see if there's a  
39 way that we can have a mechanism to protect. I mean we don't have a lot  
40 of historic structures left in town, that's my understanding. And a lot of our  
41 buildings now have been built you know 1980 or you know newer, and so  
42 they're certainly not going to be in that classification. And it's, you know  
43 there's some cases where it doesn't make sense, but I think there's also a  
44 lot of opportunity to kind of protect some of those cultural resources,  
45 particularly in architecture. And I'll self-admit I'm a little bit of an architecture  
46 nerd, so I'm biased there. But just seems like the average property owner

1 completely agree with the notion, but it seems like when you're talking about  
2 a developer who might come in, and I don't know buy the Amador hotel and  
3 decide we're going to take it down. It just seems like there's got to be, that's  
4 probably a terrible example. But my point being is that there's got, it seems  
5 like there's got to be a way for the City to try to protect some of these  
6 structures when those situations come about. But thanks for the  
7 explanation on what the, how it's written currently. That's all I have on this  
8 section. So open it up.  
9

10 Murray: I have a question for City staff. Can you explain a little bit better or clarify,  
11 on page 80, number five, demolition by neglect and deferred maintenance.  
12 I'm just confused as if it's already in that state what is the point of saying the  
13 duty to maintain, duty to your repair, and the process to kind of get it back  
14 up to non-neglect or deferred maintenance, if that makes sense.  
15

16 Gonzales: Mr. Chair, Commissioner Murray. I think that was added into these sections  
17 because a lot of times it was to have those buildings evaluated before they  
18 were demolished. A lot of times if property owners aren't taking care of  
19 property they do become neglect, and then they do become, essentially,  
20 come into our nuisance abatement program or they get identified. But I  
21 think that's at least giving them the purview to say you know if there is that  
22 ability to maybe either reuse some of those pieces, to you know reuse on  
23 other properties, but just not to let the property go into you know neglect it  
24 and then just demo it because then it's a lot easier to go through that  
25 process. Was one of the concerns that the commission did have. And so  
26 it was to you know provide a way to where buildings weren't just being  
27 neglected in order to demo them and then you're missing that step.  
28

29 Murray: Okay, so I guess on that point with this paragraph or section is like City code  
30 is going to be going out to the properties that are already in that kind of state  
31 to then cite them to say that you're starting to neglect and having deferred  
32 maintenance on that historic type property so that it doesn't get into this  
33 demolition portion. That's kind of what I'm kind of reading into or towards.  
34

35 Gonzales: Mr. Chair and Commissioner Murray. I think with, codes is already working  
36 through the NAT program to identify a lot of these properties, because that  
37 was just initiated you know a couple years ago, to where it's now starting to  
38 see that these properties are getting acknowledged. And so they're  
39 enforcing those. And I think also with getting more of them onto the registry  
40 and getting notified and knowing that they're part of these districts, they're  
41 part of these historic buildings, getting people educated to understand that  
42 you know these are buildings that have been here longer, and that neglect  
43 is not the way to actually get them to be demolished. So I think it's going to  
44 come down to both things having to take place. But then that program will  
45 definitely, the nuisance abatement team will help us get to a point where it's  
46 better.

1  
2 Murray: Okay, I think that clarifies that specific question.  
3  
4 Kaiser: Any other questions on Chapter 2? All right, moving on to Chapter 3. This  
5 is zoning regulations. Give folks a minute, but feel free to just jump in if  
6 you've got something on your mind.  
7  
8 Murray: First one, general question, probably doesn't apply to number three, but to  
9 clarify, there's going to be some sort of education to the public on things  
10 that are being updated or changed in the code that we feel are important,  
11 such as the carports and whatnot.  
12  
13 Faivre: Chairman, Commissioner Murray. Yes, that is the intent, to work on a  
14 process to help better educate both design professionals, developers, and  
15 the community at large on some of these new updates. Staff is currently  
16 working on a program to work with staff to get more familiar with more the  
17 you know the nuts and bolts of the changes. And then we'll work on a  
18 process that explains it a little bit more to the public. But yes, that is the  
19 intent to make sure that there's more engagement back and forth and keep  
20 this from something that people forget about after it gets approved.  
21  
22 Murray: Okay. Perfect. And then my next question, so I pretty much understand  
23 like the traditional zoning districts, I guess the character based zoning  
24 districts, NH-1 through 3, is this like a standard that's followed in other  
25 example cities that we're trying to mimic for a specific reason, or to help us  
26 benefit in further development of the City?  
27  
28 Gonzales: Mr. Chair and Commissioner Murray. What we did was we used Elevate as  
29 that guiding tool to say you know we're going to create an urban area,  
30 suburban area, and then rural based on the Elevate map that was created,  
31 the future development map. And that provided us the growth to show what  
32 density should be reflected as you go through your neighborhoods. And so  
33 you would expect to see in an urbanized neighborhood a lot more density  
34 as to where in a rural neighborhood you're still continuing to have the one  
35 to two or three, you know three units per acre. But you're not increasing to  
36 a larger number. Once Elevate was adopted we used that as the guide to  
37 say these are how the characters should actually grow out and so that way  
38 we'd see that growth being at the rate it should go instead of just saying you  
39 know all one property should have the same density, because we know that  
40 they should be different throughout the City. And so they were just given  
41 character zones to say how we want the growth to actually be populated.  
42  
43 Thurston: All right. Commissioner. And I've chatted with Sara multiple times on the  
44 subject that I'm going to reiterate, because it's not on here yet, but she's told  
45 me that it'll get in there in the next one. But I wanted to bring it up. So on  
46 my book, it's in page 88 where it goes to character based zoning districts.

1 And it says, on page 88 where it says the example, for example  
2 neighborhood one, or NH-1, and that's the zoning district, and then it goes  
3 to character area is the rural. The clarification that I want to make sure that  
4 gets into this book is, how do I change the character if it is not a zoning  
5 change? And so the understanding that I have right now is that the zoning  
6 of a piece of property is going to actually be, the zoning of it would be NH-  
7 1 rural is the full zoning of that. So in order to change that, just the character  
8 of it, because if I like the NH-1 zoning, but I would like to change just the  
9 rural character to urban or rural to a neighborhood, this booklet doesn't  
10 show how to do that. It only goes, and it kind of addresses only the NH-1  
11 side of things. And so just more of a clarification on here is, I believe we  
12 need to have something that shows how do I change? Now, this is not an  
13 argument of any kind, it's just simply a character change, I believe it should  
14 be in the booklet somewhere. And if you can help me understand how to  
15 do that.

16  
17 Craycraft: Sure. The character areas tie back to Elevate to the different place types  
18 on the future development map. But we could add a description in here  
19 about whether an amendment to the Elevate Comprehensive Plan would  
20 be required to change the character area.

21  
22 Thurston: Thank you. Because in that it did seem like it's a lengthy process. Because  
23 where the character came from is from the Elevate Las Cruces plan, and so  
24 in the discussion it went like this, in order to change the character zoning  
25 we will then need to come back and in order to just change a character I  
26 have to change the Elevate Las Cruces plan before I'm able to then change  
27 the character on my zoning. So that process just needs to be written out so  
28 that as someone coming up you know I'd say, because if this document is  
29 going to live for 10 years, 20 years you know just say one like this, someone  
30 somewhere is going to say, I just want to change this little corner, because  
31 now growth has now come to me and now this is a prime spot for an urban  
32 center, or it's a prime spot. And as of right now we do the best we can to  
33 plan out for the future, and then we realize sometimes it doesn't go  
34 according to plan and so we're going to see someone come in here and just  
35 want to change want to change that character. So I'm just wanting just a  
36 clarification of you know if it is, we go to the Elevate Las Cruces plan that  
37 must be changed and then we can change the character of it, and what  
38 does that process look like. So I know we kind of went back and forth with  
39 Sara a little bit on that. I just want to see that in the book.

40  
41 Kaiser: Along those lines, and it's a good point, but is there potentially already an  
42 avenue with the overlay zones that you could leverage? Because I know if  
43 you could add an overlay zone, right, it's just a zone change, correct?

44  
45 Gonzales: Mr. Chair and Commission. The way that the overlay zones were outlined,  
46 the only ones that would be essentially not specific to an area would be your

1 neighborhood center. So if you wanted to increase an area that was at  
2 maybe intersections or so, neighborhood centers are not mapped out. Your  
3 town centers were generally located around larger intersections where we  
4 expected to see more growth take place. So neighborhood centers would  
5 be your only avenue. Mixed use corridors were already identified through  
6 Elevate Las Cruces and so we've used those. We necessarily, unless we've  
7 grown and we can identify new ones, say, if there is growth that's going to  
8 take place further off of Highway 70 or in newer areas and we need to  
9 reevaluate that, I think that would come at a different point. But that would  
10 also be you know if we're doing reevaluation of Elevate Las Cruces as we  
11 continue to grow, and as we see these modifications take place, that also  
12 may be a part of staffs you know let's look and see how we're growing.  
13 Because we also don't want it to just become sprawl, and that's one of the  
14 things we're taking into consideration. And so we would be amending  
15 essentially either Elevate Las Cruces or some type of zoning map to reflect  
16 those changes whenever we do them, whether it be staff implemented or  
17 developer driven.

18  
19 Kaiser: Okay. And I guess another point of clarification, this would only be required  
20 or necessary for residential projects, because you could always rezone to  
21 commercial traditional zone, correct.

22  
23 Gonzales: Mr. Chair. Correct. There is zoning map amendments that are permitted  
24 within code, and you would just have to provide those. If you're in a rural  
25 area and you're looking to put in commercial, you know designations, we  
26 would be looking at the compatibility of where those properties are located  
27 to see how they're going to fit within those character areas.

28  
29 Kaiser: So with that, so it sounds like in your thinking, you're thinking I'm on the crux  
30 of the suburban urban, or suburban rural, and I want to go to the next level  
31 of density up, right? And so that's the mechanism that you're looking for.

32  
33 Thurston: Yes, I'm just. That's about right. Because what happens is, in the time of  
34 five years, 10 years, someone is going to come up here and say, hey, how  
35 do I change my character? I mean I'm not saying it's a good thing, a bad  
36 thing but, and whether we come in and it still has to get approved through  
37 everyone. I'm just wanting to know what is that process look like. Because  
38 we will have someone you know trying to change it. We have people trying  
39 to change it you know commercial to industrial, you got industrial to  
40 neighborhood, you got. I mean, throughout the year as the City changes I  
41 just solely more of a procedural question and how that happens, not really  
42 as a, you know I think that's all it really is, just procedural. How do I do it?

43  
44 Kaiser: Yes, that makes sense.

45

1 Faivre: Mr. Chair, Commissioner Thurston. If I could just add one more point. There  
2 is a process to evaluate and amend Elevate as well, and so though, we will  
3 make sure that we include what that process is in here so there is  
4 clarification on how that will work with the rest of the zoning. So we'll make  
5 sure that that's clear for moving forward on those issues.  
6

7 Thurston: Thank you.  
8

9 Jo. Acosta: Two questions here. First one about the drive-throughs prohibited in the  
10 NH-1. Just curious, I don't know in terms of the rezoning, if I'm assuming  
11 there's already some drive-throughs in that NH-1. Now, do they get  
12 grandfathered, or how exactly that would work? And then if somebody is  
13 looking to thus afterwards try to do it, I guess they're going to have to get a  
14 variance. Is that correct if they wanted to do a drive-through in a NH-1?  
15

16 Craycraft: That's correct. Any existing driveway or excuse me drive-through in NH-1  
17 that's there today, that could continue to operate. As far as once the code  
18 will be adopted if in NH-1 they wanted to do a drive-through window, that  
19 would not be permitted. They also would not be able to do a variance since  
20 it's considered a use type you can't do a variance to allow a different use.  
21 So that would be done either maybe a PD could be used if that was  
22 warranted. But also the intent really of not allowing drive-throughs in NH-1  
23 is that it's really primarily residential. It's really limited commercial areas,  
24 small, very small restaurants, small grocery store, markets, that's more kind  
25 of a walk up neighborhood serving, not necessarily auto oriented  
26 development.  
27

28 Jo. Acosta: Now my only I guess curiosity there is with the future, in the next 20 years  
29 where we're thinking you know we are more digital; we are less in store in  
30 a lot of cases. Ideally you know we'd like to see the reversal of that to some  
31 degree, but just kind of where things are trending, if that supports that to  
32 any degree and/or if we care.  
33

34 And then I will just kind of move on to my next question, which is the  
35 cannabis production that's prohibited in NH-1 and NH-2, which was a SUP  
36 before. I guess my thoughts on this, I think that feels like we're, I can't  
37 understand why we're singling out cannabis production versus I think the  
38 real problem that you know the City has been seeing is the dispensaries,  
39 where we have you know over 75 dispensaries right now. And I don't know  
40 why a production site, for instance, would be that case.  
41

42 Craycraft: Good question. That was highlighted really just as a change. If you look in  
43 the use chart now it's the same for cannabis dispensary production and  
44 integrated cannabis business. None of those are permitted in NH-1 or NH-  
45 2. That was just the most recent change that we were highlighting today.  
46

1 Jo. Acosta: So basically, just to clarify you said cannabis production officially got added  
2 onto the list with everything else that was already there. Is that what you  
3 basically said?  
4

5 Craycraft: All three of the cannabis related uses are prohibited in NH-1 and NH-2 as  
6 the current draft reads. The reason that was highlighted in the presentation  
7 was we had previously suggested cannabis production be permitted by SUP  
8 in NH-1 and NH-2. So in the latest drafts we removed that. So now all the  
9 cannabis uses are consistent across the NH districts.  
10

11 Jo. Acosta: Thank you. And then so for instance the licensees that are operating in  
12 those districts currently, they will get to remain as long as they are the  
13 operators, or as long as that site is approved? How does that work?  
14

15 Craycraft: As long as any existing business continues to operate as they are today,  
16 they can continue indefinitely as long as it is a legal use.  
17

18 Jo. Acosta: So I guess, sorry, I guess I'm kind of thinking you know for instance, say  
19 your cannabis business closing down, selling your assets because industry  
20 is too saturated right now. You've got an interesting, you know your only  
21 asset for instance perhaps licensing gets capped later in the future. You  
22 know is your license worth something if you are on this NH-1 or NH-2, if you  
23 sell it to some new owner, how entirely would that pass over? You know on  
24 X property in those districts is that you know new person who may be  
25 looking to acquire said license and/or property is it going to stay the same,  
26 zoned the same for them, and they will be allowed to thus take it over, thus  
27 giving that cannabis operator value on their asset of their license, or you  
28 know diminishing it when they're trying to sell it, because it wouldn't be able  
29 to be rezoned.  
30

31 Gonzales: Mr. Chair, Commissioner Acosta. What we've noticed is right now the way  
32 the current regulations are is you're allowed to do these land uses cannabis  
33 related in our commercial zones. They're not permitted in our R-1a's,  
34 they're not permitted in our R-1b's. That is essentially what NH-1 has  
35 become. And so those are rezoned. So you wouldn't actually have a lot of  
36 those land uses labeled out currently right now from our existing code to  
37 what we're proposing. What I will say is that if there is an existing one we  
38 have modified the code to give it an allowance of a two year nonconformity.  
39 So if a business does close down, that land use can still be put onto the  
40 property within two years. It used to be one year. So it gives the allotment  
41 of a lot more time to actually redevelop that property if you wanted to with  
42 the same land use. So there will still be those properties that if they were  
43 rezoned to an NH-1 or an NH-2 they'll be allowed by right, and they can  
44 continue by right. If they close down their business then they would have  
45 two years to redo essentially that use with some type of business license  
46 and then maintain that right. We still have like some of the properties that

1 were rezoned in 2001 live under a nonconformity now because of those  
2 changes. So as long as it doesn't actually basically go away, as long as it's  
3 staying in business. But what we did, and what we've evaluated through  
4 our actual zoning map was identify a lot of the businesses and try to make  
5 sure that we weren't putting them into a nonconformity by the way the code  
6 is written. So that was some of our evaluation. We noticed you know we  
7 looked at specific land uses that were already there and made sure that  
8 they were going to fit somehow in our code, so that we wouldn't have to  
9 have so many nonconformities out there right now.

10  
11 Jo. Acosta: Okay. Thank you. That answer's actually I think everything.

12  
13 Murray: I have a small clarifying question on page 92. Basically, we're reducing the  
14 25 garage setback for 20 feet for rural and suburban, and then 12 foot for  
15 urban. Is that one of those correct interpretation?

16  
17 Gonzales: Mr. Chair, Commissioner Murray. That is correct. Yes, those have been  
18 reduced to where we're looking at a 20 foot when it is a garage. The  
19 difference because we do have carports and garage listed. Difference is on  
20 a carport they're not allowed to be enclosed, and so that's the reason why  
21 we still maintain that 20 foot setback whenever it is a garage, because those  
22 are usually fully enclosed spaces.

23  
24 Kaiser: I'll just tag on a comment. Generally speaking on these setbacks,  
25 particularly in the urban character type, my preference would actually be  
26 that we just have build-to lines. I think that would be more appropriate in  
27 the urban context, in my opinion, and it would probably simplify things. So  
28 that would just be something I would suggest kind of across the board in the  
29 development standards for NH-1. That in the urban context we just go with  
30 the build-to lines as opposed to having both setbacks and build-to lines.  
31 And then I would probably suggest making the build-to lines a little bit  
32 smaller.

33  
34 Murray: Next question or comment that I have is on page 135 which goes towards  
35 signage, number or letter D, per se. Basically says that the City is exempt  
36 from vehicular directional signage within public right-of-way and City  
37 property. I personally would say that they should still have to go through  
38 the process that the public has to. I know the City probably doesn't want to  
39 do that, because it would save them cost. And the only case that I can  
40 remember or call to order was the convention center when we changed the  
41 signage on that property. But that is my comment there.

42  
43 Gonzales: Mr. Chair, Commissioner Murray. Are you deferring to on number D, 135.

44  
45 Murray: Yes.

46

1 Gonzales: So this would just be for vehicle direction. So this is telling someone to go  
2 right or left. And so this is generally whenever the City has to put up traffic  
3 signs, we do have to follow our regulations as far as MUTCD standards and  
4 stuff as to where signs are placed for visibility anyway whenever we're  
5 actually doing streets. It's the only reason why it's an exempt from signage.  
6 Because usually signage will say 15 feet from property lines. We're not  
7 usually working within property lines. And so this doesn't outline if we are  
8 basically doing traffic signs and signage, we need to follow essentially what  
9 the City has adopted as far as our plans and policies as well.

10  
11 Murray: Okay. That makes sense.

12  
13 Kaiser: I have just I think, a general comment on, this is my version page 86, it's the  
14 zoning process overview. And this is I think in a couple of different places.  
15 But generally, the comment is that initial question, you know you start with  
16 your pre-application meeting, and the initial question is, does the property  
17 have the correct zoning district designation? To me that seems a little  
18 backwards of the purpose of zoning. It should be, does the developer, the  
19 idea fit within the zoning. So basically, that second question, does the  
20 proposed development meet the district standards? That's really the first  
21 question you're asking. It's not, well we have zoning, but come give us your  
22 sales pitch and we'll go a different direction. You do have the mechanism  
23 to get the zone change if you so choose but I think just semantically it's a  
24 little weird to kind of, just seems wishy washy I guess. So that would be  
25 one suggestion there.

26  
27 Another I think it's this section. I could be jumping ahead, but I'm going to  
28 ask anyway since it pops up. So there's a few tables or figures rather for  
29 each of the zoning districts, beginning page 89 for the next couple pages.  
30 And there's the site design, and then it references parking treatments. I  
31 kind of feel like we are maybe burying the lead a little bit here when it comes  
32 to the elimination of the minimum parking requirements within the urban and  
33 the mixed use overlay zones. And I'm just wondering if we can kind of make  
34 it more explicit that you don't have a parking requirement in these areas,  
35 everywhere else you do, but we kind of just ignore that fact. And my  
36 concern is that someone's just going to open this up and start designing  
37 parking lots and their buildings, when in fact, you know they don't need to  
38 be, we don't want them to be necessarily. And I don't want them to get so  
39 far down the process before they realize that fact that it's kind of too late to  
40 change course. So I think just making it a little bit more explicit across the  
41 board.

42  
43 And then I think this may have been an update that was presented tonight,  
44 but on the neighborhood center, there's a few uses that I think we should  
45 consider adding, and I forgive me if I don't recall if any of these have made  
46 it into the latest version. But the ones that I feel like missing from what I'm

1 looking at would be community facilities, specifically like a library, museum.  
2 I think community building is also a specific use. I would suggest that that  
3 be included. And then personal services I think should be included. And  
4 my understanding by the definition that's mainly your hair salons, you know  
5 things of that nature. If I can go to a bar, I feel like I should also be able to  
6 get my hair cut there, or not at the bar but next door. And then art studio/  
7 instruction, that use in particular I think, is something that should also be  
8 incorporated in the neighborhood center overlay. And if other folks have  
9 comments, please jump in.

10  
11 Murray: Okay my next comment is going on to page 166 when we kind of go into the  
12 tables about hours or operations for several things. I'm not from here. My  
13 biggest complaints are, is that everything closes early. I know we want to  
14 dictate close time to kind of limit crime and sort of things, but I feel like 10:00  
15 p.m., especially if you're younger or in college or something is very early.  
16 And on that if you want to answer.

17  
18 Gonzales: Mr. Chair, Commissioner Murray. This is part of the University District, so  
19 we do have three of our zones that are, believe it's three if I go through  
20 them. University District, your South Mesquite District, and Alameda  
21 Overlay are not being revisited through Realize. These are being  
22 maintained until we can actually work with the neighborhoods. These were  
23 all established through neighborhoods and through groups. And so this is  
24 currently what is in code. And then after Realize is adopted, then we're  
25 going to work with each one of those communities in order to basically bring  
26 them up to date with Realize information. And so these will not be modified.  
27 We did not include times throughout the rest of the code. These were just  
28 implemented when the University District Overlay was created.

29  
30 Murray: Okay. I think that makes clarification sense.

31  
32 Kaiser: But your point is taken. So going to the permitted use charts beginning on  
33 page 214 in my version. Just a few comments. I guess, not necessarily  
34 looking for a response, but just stating my preferences. Just again,  
35 reemphasizing the minimum vehicle parking requirements, I think we should  
36 be explicit here that those don't apply in the urban and the overlay districts.  
37 Number, I guess yes these are all order, number four which is a  
38 manufactured home park. I guess this actually is a question. Is that  
39 supposed to be mobile home park? I guess I'm not sure why we would  
40 restrict a manufactured home park differently than, my understanding is a  
41 manufactured home is considered a regular class A or whatever building.  
42 So I'm not sure if that was a mistake or? So that would just be something  
43 to maybe double check, because there is a mobile home but there's no  
44 mobile home park.

1 Craycraft: We can take a closer look at that. One thing I did want to note about the  
2 manufactured home park is that it has additional use based standards with  
3 it for how the manufactured home park would be designed, the internal  
4 circulation, size of the spaces, and things like that. So we do have some  
5 special standards for those, that's why it's called out as a separate use. But  
6 we can take a look at why it's permitted differently than the others.  
7

8 Kaiser: Okay. And I guess I'm also confused why there would be different  
9 development standards because my understanding based on what a  
10 manufactured home is classified as according to HUD, you could have a  
11 subdivision all single-family lots, and you could put a manufactured home  
12 on every single one of those correct?  
13

14 Craycraft: Yes.  
15

16 Kaiser: Would that then be called a manufactured home park?  
17

18 Craycraft: Part of the difference is whether they're all located on one communal lot  
19 with rental spaces versus if they're subdivided individually owned  
20 manufactured homes that could be grouped together or could be within a  
21 neighborhood.  
22

23 Kaiser: Got it. Okay. That's helpful clarification. Then I guess the question would  
24 be is, are we missing mobile home park? Because we have mobile home  
25 but we don't have mobile home park. So I don't know if that's something  
26 that needs to be addressed.  
27

28 Just some other general comments. The sober living home, I guess I'm not,  
29 my preference would be that we mimic the community residents uses there.  
30 So changing the two special use permits from NH-3 and NH-2 to by right to  
31 match the community residents.  
32

33 It was brought up but I think it would, it's a mistake to have drive-throughs  
34 and gas stations be by right. I don't believe we need more of those in the  
35 City. I think it runs counter to many of the other goals and objectives that  
36 we have throughout Elevate Las Cruces. Would like to see those be special  
37 use permits across the board. That being said, we regulate childcare  
38 centers more strictly than apparently we do gas stations and car washes. I  
39 think we should have childcare centers be by right across the board. That  
40 goes for the, I guess in my version it's 36 through 38 so all the childcare  
41 uses should just be by right.  
42

43 Thurston: Can you tell me what page you're on?  
44

1 Kaiser: Yes, I'm on page 216. Yes, sorry, of my version, so hopefully it's the same.  
2 So this is on page 218 now, professional office, I think that should be by  
3 right in the NH-2 rather than a special use permit.  
4  
5 Campgrounds, I don't know why we're excluding them from open space  
6 preserves. Seems like that's where I'd want to camp. Golf courses in open  
7 space preserves, I think that should be a special use permit. And I think  
8 that's, those are just my general comments there on the specific uses.  
9  
10 Thurston: Can you go on your slide show here to page 31. Because one of the notes  
11 that I had on here before that was a SUPs for multifamily. Has that been, I  
12 believe you had changed that. Is that right?  
13  
14 Craycraft: Correct. Yes, they were previously, the larger, or excuse me, the smaller  
15 ones were SUP and NH-1, the larger ones were SUP and NH-1 and -2, and  
16 then by right, and the other NH districts they have been consolidated into  
17 one category and now they're allowed by right in all three of the NH districts.  
18  
19 Thurston: Can you show me where I find that in this book?  
20  
21 Gonzales: It's going to be located on page 214, and it's going to be number seven.  
22  
23 Thurston: Because what I'm looking for is just the, maybe it's not on these pages, but  
24 the, is to be on, had to be on a collector versus a local, and I wanted to  
25 make sure that that was able to be on a different spot as well.  
26  
27 Craycraft: Yes, that that matches up with the last bullet point on this slide that we  
28 removed most of those provisions, including the one that it had to be located  
29 on a collector or larger. Yes, that was removed.  
30  
31 Thurston: Thanks. I can cross this one off.  
32  
33 Gonzales: And that's going to be located on page 225.  
34  
35 Thurston: 225.  
36  
37 Gons That's where you can see all of those being removed. When staff evaluated  
38 it, it was a lot of times you're going to already see that people will construct  
39 walls in between properties. Some of the conditions were, was it going to  
40 impede on collectors? We worked with traffic and that was not going to be  
41 a concern, because a lot of our local roadways can handle the capacity to  
42 have those apartments or those higher densities. And so we removed a lot  
43 of those conditions.  
44  
45 Thurston: Thank you.  
46

1 Murray: Sara, this one's for you. Page, 243, 116, the vehicle is there twice by  
2 mistake. Number one that I've got. Question, carports, number three on  
3 250. Can we add in there or clarify, and maybe I'm missing it, that a building  
4 permit is required to install a carport so that we don't run into any issues  
5 with the variances or special use permits that we've seen across our board.  
6

7 Gonzales: Mr. Chair. It is listed that you know there are no, any accessory structures  
8 over 120 square feet. Being this is an addition to a residence, building  
9 permits are required. It would be no different than adding a porch or  
10 something of that nature. We can put a note on here saying that you know  
11 building permits are required for carports that are to be attached in the front  
12 of the property, if that would at least assist. I think a lot of times we see that  
13 the carports are put up because they really didn't know that they needed a  
14 permit in general.  
15

16 Murray: I think if we just put it there another time to reiterate that it's required we'll  
17 run into less problems in the future.  
18

19 Thurston: I also got a question on the carports. As I drove around El Paso and then  
20 also in Las Cruces, there's, they're like these shade structures, is what I'm  
21 seeing more than more than a carport. And it's simply two metal poles that  
22 are next to the house and then it's basically cantilevered out. And then it  
23 has just this little, basically a tarp over the top. But shouldn't say tarp, it  
24 looks a lot better than the tarp. And anyways it seems more of just like a  
25 shade structure. Would that, because it's, you're not building it to the  
26 standard of a carport, right, like you're not having extra poles, you're not  
27 have other things like that. How would that come into play? What would  
28 we classify that as, if it's more of a shade structure? Because most of these  
29 people are coming in saying, hey, I just don't want my car to be hot. You  
30 know I don't, I got a tree next to me. I don't want all that to drop on it. And  
31 if there's, if it's going to hail I just don't want the hail damage. So that's kind  
32 of seems what it is. And so some of them are more shade structures versus  
33 carports, but it's probably classified under steel carport type of a deal. What  
34 we do about those?  
35

36 Gonzales: Mr. Chair, Commissioner Thurston. What we are trying to do is move to  
37 where now that you're going to be able to have essentially what would be  
38 considered shade for your driveway, basically using either carport  
39 standards. We want them to actually mimic more of the home. We want it  
40 to look like the home so that way it matches. It doesn't look out of place.  
41 So it'd be like if you had a true addition to your home. Right now what we're  
42 getting is you know a lot of them are either being put up without building  
43 permits. They don't know regulations. There's no design factor to it. And  
44 so we're moving towards the code of saying, now we're going to allow these  
45 by rights, but we want them to look where they're compatible to your  
46 neighborhood, built in compatible materials, and still provide those shade

1 structures. A lot of times we see you know they may be purchased from  
2 Home Depot or so. And so we've had some that have blown off of  
3 properties. They're not secured. Those have created really big issues when  
4 they're impacting other residences down the street. And so by now allowing  
5 it by right, we want to put the provisions of its compatible with your home.  
6

7 Thurston: So if someone does come in again with a different structure that is not in  
8 here where it says carports 3A, design must be consistent with the main  
9 building. If it's not consistent with the main building yet they haven't  
10 permitted it yet. They didn't build it. They would still have to just come in  
11 for a variance for that. And so, because they're wanting to build a carport  
12 but if they don't want it to look like the house because the cost of doing so  
13 would maybe triple it, right? If they don't want to put the asphalt shingles  
14 on the top of it. They don't want to do other things like that that mimic the  
15 house, it might be cheaper for them to literally put the metal poles right. Just  
16 put metal and then what's the route for those people to take in this? Do  
17 they come in for variance? How does that work?  
18

19 Gonzales: Mr. Chair. There's ways to actually, and Commissioner Thurston, to actually  
20 help with someone who is coming in to do it at a cheaper cost with those  
21 metal standards. We've seen the faux brick go on to buildings. There's a  
22 spray stucco that makes posts look like it's stuccoed but they're really not.  
23 We would work with the applicant to get them to the best product that's  
24 going to match their home. We understand that we've had customers or  
25 public come in, they have brick homes. You're not going to be able to build  
26 a brick one. And so we understand that, and so we're going to work with  
27 their compatibility to get them to their best options, understanding that cost  
28 is going to be an impact. This is just giving us a provision to say that you  
29 know we do want it to look like it. We want it to be stable, and we want it to  
30 you know mimic more of the neighborhood, not necessarily just be. We've  
31 seen shade structures that are the 10 by 10 pop ups. We had a windy day  
32 today that is down the street, and it's creating issues and concerns for our  
33 codes office as well as other neighbors. And so those are what we're trying  
34 to eliminate by allowing these. And so we'd work with the customers. If the  
35 clients come in and they're unable to do it, or there's no way to actually  
36 mimic those homes, and yes, they could go through the variance process,  
37 but that's why a variance could provide those justifications. When you  
38 usually look at it, it's going to say you know is there actual justice, you know  
39 justification to say that this doesn't work to meet the code. If these are  
40 concerns that keep coming up, that's where we're going to come back and  
41 do those amendments. We need to reevaluate and figure out how we're  
42 going to help the public get through the process.  
43

44 Thurston: So currently the way it's written it says the carport design must be consistent  
45 with the main building. Does that wording allow you enough flexibility for  
46 staff to basically have a little bit of interpretation as to what consistent is so

1 we're not having, in the example that you gave of a cinder block home or a  
2 brick house, right, will that give you enough leeway to be able to say that  
3 it's consistent with it? I'm solely semantics.  
4

5 Gonzales: Commissioner Thurston. It does give us that leeway, because I think when  
6 we actually work with people within the public it's usually, what are your  
7 feasibilities? What are the possibilities? What are other materials that could  
8 be used? And a lot of times they are compatible. It's really right now, this  
9 is just getting implemented of knowing we just want to get these permitted  
10 and understand what we can actually do. Get them attached properly and  
11 know. So it does give us that flexibility to work with the public.  
12

13 Thurston: Thank you.  
14

15 Kaiser: Perhaps just a suggestion, not necessarily a technical manual, but maybe  
16 staff can put some sort of one, two pager front and back kind of examples  
17 of what would be considered appropriate, so that people kind of have a  
18 starting point to work from, might be helpful. Any other questions or  
19 comments on this chapter? Chapter 3.  
20

21 Thurston: Once again this is probably one of the questions that might not be in this  
22 one, but making sure that I don't skip it. Missing middle housing. I'm trying  
23 to find out where the flexibility is in that for like street designs. Is that in this  
24 one, or is that going to be in a sub, in a different chapter? Because what  
25 I'm, with the missing middle housing our current code I have tried personally  
26 to come in and do a missing middle development, and our current code  
27 requires me to have, like a whole bunch of variances to even do that. So  
28 I'm kind of waiting to see how to either do that or you got to go through a  
29 PUD process, other things like that. So does the, for what I understand so  
30 far, it seems like the missing middle housing is giving me the flexibility to do  
31 things, except for my one question on here is the street sections allowed for  
32 missing middle. Do you we have that anywhere?  
33

34 Craycraft: We do have it in the use chart allowing the missing middle type uses by  
35 right, so but that's more specifically the use. As far as roadway cross  
36 sections, I don't believe we have anything specific to deviations for missing  
37 middle housing.  
38

39 Thurston: Okay, would that be in this chapter or do I need to hold that question for  
40 another one?  
41

42 Craycraft: It would be in a later chapter. It will be in 5-2. However, I don't think it's  
43 there either, but that was the relevant topic.  
44

45 Thurston: I will hold it for the next, for Chapter 5.  
46

1 Kaiser: And Commissioner Thurston, I think if you go back to pages, starts on page  
2 92 I believe those are essentially your density, your max density, and some  
3 of your standard design standards. So I think just a lot of being involved  
4 with the technical advisory committee and what we're seeing now, I think  
5 you know we felt that there was, these provided that kind of design flexibility  
6 for developers to come in.  
7

8 Thurston: So that this use chart is, it's good the way we have it now. There's been a  
9 couple of iterations that has changed it to where we have the lot width  
10 minimum now, and that's the only thing. And that is absolutely wonderful  
11 for the City, because it's going to allow a lot of creativity of how to get  
12 missing middle, whereas the old code kind of restricted, they said, okay, we  
13 got, we need, or even in this one we, be, the current changes was saying,  
14 hey, we can put 16 units per acre. Well, then you put all the other  
15 restrictions of the lot depth and the lot size minimum, and then you go, I  
16 literally can't get 16 to the acre the way it's written, if that's what it is. So  
17 those changes have been good. The only one that I still just needed to have  
18 clarification on is the actual road sections. Because when you go to  
19 Phoenix, when you go to Utah, when you go to Florida, you see all of these  
20 other developments. And you'll notice that everyone kind of has these  
21 different road sections of one's only 20 feet wide. There's no sidewalks on  
22 some of them. And then you go to another one where there's basically no,  
23 there's no road in there and then they put all their cars in one area, and then  
24 you have a cluster. So there's just a whole bunch of different design criteria  
25 that when you're actually designing the subdivision, that without having, I  
26 brought this up to David Weir also, and I said, without having an actual street  
27 section of what's allowed, it makes the process a little bit more lengthy. And  
28 so I just needed to find out where we can find those cross sections, or what's  
29 allowed, or maybe that's where the NACTO is. The NACTO probably refer  
30 to there as we can use one of their cross sections or other things like that.  
31 Because, just, and the concept itself of putting missing middle is great, but  
32 if you don't have the backing material to actually make it through fruition, it's  
33 really tough. So one of the things is the streets, and the flexibility of streets  
34 is really, like I was in Santa Fe yesterday you know and then they have a  
35 house, and then there's parking lot in the back, but to get to the back there  
36 was only like 11 feet. And so there's just those type of little things that you  
37 got to have in there that I'm just curious to make sure that we have that type  
38 of a design.  
39

40 Craycraft: We do have in, in 5-2 there's a provision that allows the DRC to make some  
41 adjustments to the improvements. The wording is to meet City goals and  
42 plans. So there's some flexibility in there. We don't have a designated you  
43 know preapproved cross section for it though.  
44

45 Gonzales: And Mr. Chair, Commissioner Thurston. I would just like to add on to that.  
46 The reason being is because if there is different creative designs, we don't

1 want to limit ourselves either. And so by using DRC it provides us that  
2 flexibility to say that different cross sections come in based on the design  
3 can be approved. It's going through that process. If we were to outline you  
4 know all the possibilities, we still may get some that were never outlined and  
5 so we don't want to limit it to that. We have our, essentially our locations of  
6 what we want to see to you know follow our complete streets and say we're  
7 meeting those designs, and then anything that's going to be different than  
8 those, that's where we want to work with our other departments throughout  
9 the City, where it Fire and Public Works, you know Traffic, just to ensure  
10 that we are still meeting the needs of what the City adopted with complete  
11 streets, by moving forward with a new design.  
12

13 Thurston: Okay, I'll ask some more questions later on that.  
14

15 Kaiser: All right, any other questions on Chapter 3? All right. Seeing none. I just  
16 want to acknowledge that we are at two hours. It's 8:00 p.m. We are I think  
17 about halfway depending on how the conversation goes. But I'm  
18 wondering, do we want to take a five minute recess, bio break, and then  
19 when we come back allow for public comment, and then finish our  
20 conversation after public comment? Does that work for everybody?  
21

22 Thurston: I'm good with the suggestion.  
23

24 Kaiser: Okay. So we will reconvene at 8:05, and then we'll go into public comment  
25 so that you guys can speak, and then you are free to go home and go to  
26 sleep, eat dinner, whatever it is, and we'll continue the conversation. So  
27 we'll reconvene in five minutes. Thank you.  
28

29 RECESS OF APPROXIMATELY FIVE MINUTES.  
30

31 Kaiser: We'll go ahead and take our seats so we can get started. All right, we're  
32 going to go ahead and get started here. We're going to jump into public  
33 comments. And just before I do that we've got a question here that I think I  
34 can address. So we are being recorded. This is, we are now returned to  
35 being shown on the City's YouTube channel, similar to City Council  
36 meetings. So this is live and it will be recorded so your comments will also  
37 be recorded and will be available for viewing after the fact as well. And  
38 presumably, will there be minutes for this meeting? Yes. Yes.  
39

40 Okay, so with that, we will go ahead and just open it up to public comment.  
41 I'm going to give everybody a minute and a half to speak. Just a reminder,  
42 this is not a Q and A so if you do have questions, please ask them, and you  
43 know we will try to get some answers, but we're not going to have, we don't  
44 have time to go back and forth with folks. So what I'll do is, presumably  
45 everybody that's here tonight wishes to speak, so we'll just start over here  
46 to my left in the front and just work your way back. So when the person in

1 front of you sits down, let's just be orderly. We're all adults. We can figure  
2 this out. So just appreciate that process. So once we're done with this side  
3 of the room, we'll come over here. So start here. You okay, you're good.  
4 All right. Next row back. And before you begin, please state your name for  
5 the record so I can swear you in.  
6

7 Brown: Christopher Brown.

8  
9 Kaiser: And do you swear or affirm that the testimony you're about to give is the  
10 truth and nothing but the truth under penalty of law?  
11

12  
13 Brown: Yes, I do.

14  
15 Kaiser: Go ahead.  
16

17 Brown: Good evening, Mr. Chair and members of the Commission. Thank you for  
18 the chance to share some comments with you. My name is Christopher  
19 Brown. I'm a Professor of geography in environmental studies at NMSU.  
20 And I've had the honor of serving on the TAC for the last 18 months. I'd like  
21 to acknowledge the hard work that staff and Freese and Nichols have done  
22 to get us to this exciting point, and for making needed changes with respect  
23 to missing middle housing. I'm especially happy to see the following  
24 changes that I urge you to retain in the draft as it moves through P&Z.  
25 Multifamily housing are allowed by rights citywide. Avoids the costly and  
26 time consuming process of SUP's. Eliminating unnecessary barriers to  
27 building high quality housing, including walls and buffers. This also includes  
28 no longer restricting locations to multifamily to streets with higher traffic  
29 volumes. Neighborhood centers are now recognized. Overlay district is  
30 key neighborhood intersections to allow for walkable community activity  
31 centers in single-family residential neighborhoods. It also supports the  
32 elimination of mandatory parking requirements and require, and the housing  
33 densities. I'd also like to see some enhancements to road cross sections  
34 that would support multimodal and active transportation, especially the  
35 development of buffer or protected in road bicycle facilities. I'm happy to  
36 provide details to the Commission as the review process unfolds. Thank  
37 you very much.  
38

39 Kaiser: Thank you. All right next row. And luckily for everybody I was informed I  
40 don't have to swear you into a work session.  
41

42 Bardwell: Good.  
43

44 Kaiser: You may come up and please state your name for the record, and then you  
45 may begin.  
46

1 Bardwell: My name is Beth Bardwell. And I'm here tonight on behalf of the League of  
2 Women Voters of Southern New Mexico. And Chairman and  
3 Commissioners thank you for the opportunity to comment. And we just  
4 wanted to share that we are very pleased with changes that have been  
5 made since the June 10th version. And in particular we are very happy to  
6 see that missing middle housing, everything from auxiliary dwelling units all  
7 the way up to multifamily is now allowed by right in NH-1 and NH-2 and NH-  
8 3. We think that is, that's a very good thing, as long as they, and we've  
9 looked at the reasonable use based standards and they seem reasonable,  
10 and the density dwelling units per acre also seems reasonable. So we're  
11 very pleased with those changes. We're pleased that some of the, what we  
12 considered onerous use based standards were removed for missing middle  
13 housing. We're very happy with the minimum off street parking  
14 requirements, they seem to have been relaxed for some of the duplexes,  
15 triplexes, multifamily. And we are pleased to see that they're completely  
16 eliminated in the downtown and overlays. We're happy to see  
17 neighborhood centers are now a recognized overlay district. We think that's  
18 a great improvement. And we're also happy to see that the City now has  
19 what we consider very robust annexation process. So thank you very much  
20 for those changes, and we hope they continue. Thank you.

21  
22 Kaiser: Thank you.

23  
24 Holtzman: Hi. My name is Jon Holtzman. And I'd like to make some general comments  
25 on section 5-9 on outdoor lighting. About a year ago, we formed a chapter  
26 in New Mexico of an organization called DarkSky International, which is  
27 based out of Tucson. It's an international organization that works on  
28 preservation of natural skies through promotion of responsible lighting. And  
29 I was pleased and commend the City for you know for paying attention. It's  
30 clear in the draft that there is some good stuff and good thoughts on  
31 responsible lighting. And I submitted a few comments a few months ago,  
32 most of which I think were incorporated. However, in the last couple of  
33 months there have been a few interesting new developments, in particular  
34 the City of Albuquerque adopted in their development code a strong section  
35 on outdoor lighting and DarkSky International released a draft municipal  
36 ordinance. And it was significantly revised over their draft from 10 years  
37 ago. And I kind of feel like a lot of what's in the current Las Cruces one is  
38 based on that older one. So I have a list of specific things which I will pass  
39 on in writing, but I'm not the lighting expert. I've been learning a lot. But it  
40 really seems like it's an opportunity to take advantage of some of the work  
41 and try to establish some consistency across the state on this issue, and  
42 now is the time to do it. It's a shame that it just came in so late in the  
43 process, but it's just how it is. So hopefully people can take a look at that.  
44 Thank you.

45  
46 Kaiser: Thank you.

1  
2 Chignoli: Hello, Mr. Chairs, Commissioners. My name is Nick Chignoli. I just wanted  
3 to echo the expansion of the varieties and density of housing. Through my  
4 work with the Doña Ana County Resilience Leaders, I've seen the  
5 importance of stable housing in the community. There's an endless amount  
6 of data that indicates that housing is a primary determinant of both mental  
7 and physical health outcomes. Housing security is correlated from  
8 everything to clinical depression to low birth weight, the fundamental aspect  
9 of survival. By expanding these regulations we are providing an opportunity  
10 for the diverse lifestyles of Las Cruces. These multiunit residences and  
11 auxiliary dwellings help provide Gen Z and millennials with the opportunity  
12 to save money while having housing appropriate to their lifestyle. It allows  
13 service workers to live closer to their place of employment, and seniors and  
14 veterans on fixed incomes to have appropriate accommodations. I also  
15 think it's worth noting that a recent literature review found that provisional  
16 housing has reduced Medicaid usage by 12%. The use of primary care  
17 physicians has risen by 20%, while emergency room visits decreased by  
18 18%. The actual, the offset costs are debatable, but one study reports that  
19 provisional housing offsets health care costs by \$29,000 per person. So  
20 put simply housing security saves money. Thank you.

21  
22 Kaiser: Thank you. All right. Next row. None. Row after that.

23  
24 Mustafa: My name is Shahid Mustafa, and I'm representing Taylor Hood Farms and  
25 the New Mexico Agrarian Commons. And I would like to commend you on  
26 all the work that you've done. And ask that you continue to consider spaces  
27 for community gardens and also recognition of native lands that exist within  
28 the City zone. Thank you.

29  
30 Kaiser: Thank you. Next row.

31  
32 Hutson: Faith Hutson for the record. Overall, I want to say that I think Chapter 2  
33 draft is a very well-crafted and a better document than Chapter 40.  
34 However, there are some critical issues that I hope the P&Z Commission  
35 will recommend changing in their approval of the Chapter 2 draft. A  
36 commission is a decision making authority, and may be empowered to  
37 make binding recommendations or take action. In an e-mail dated  
38 September 5, 2024, Mr. Faivre wrote to the historic preservation chair and  
39 stated that since the HPC serves as a reviewing and recommending body  
40 rather than a decision making one like the Planning and Zoning Commission  
41 is more appropriate under the City of Las Cruces municipal government  
42 structure to designate historic preservation as a committee rather than a  
43 commission. As former chair of the Las Cruces historic preservation  
44 commission I think this is a mischaracterization.

45

1 I want to speak about some specific language that is in the current Chapter  
2 2 draft that is unchanged from Chapter 40. Decisions by Community  
3 Development Director can be appealed to the HPC. This is an indication  
4 that HPC is a quasi-judicating, a quasi-judicial adjudicating body. Decisions  
5 by the HPC can be appealed to P&Z, again another indication that the HPC  
6 is a quasi-adjudicating body. Consideration the HPC considers, solicits  
7 testimony, and makes written findings of fact, and they weigh evidence of  
8 measurement.

9  
10 Kaiser: Sorry we've got to be able to move forward, but appreciate your comments.

11  
12 Hutson: Thank you.

13  
14 Kaiser: I think it really wants you to stop talking. All right.

15  
16 Berryman: Good evening. For the record, my name is Dr Judy Berryman. I am the  
17 current chair of the historic preservation commission. As other people have  
18 noted, I would like to compliment your committee and Realize Las Cruces  
19 for the many changes that have been shown in Chapter 2. The historic  
20 preservation commission fully supports the need for revisions to the City  
21 development codes. The commission is an important component to the  
22 community development and allows the public and the City to determine  
23 what historic resources are considered important, and in many cases the  
24 direction written in the previous Chapter 40 and Chapter 2 is the public's  
25 only legal representation on how historic resources should be preserved. I  
26 would sincerely request that a work session be set up between your  
27 commission and the historic preservation so that we can discuss some of  
28 the specific issues that were in the discussion in question. I will not discuss  
29 whether the change from commission to committee is appropriate or not,  
30 because it's already been discussed. But we would like to see the change  
31 in Chapter 2 to go back to commission as it was authorized for the City, City  
32 Council in Chapter 40. The second change that we would like is that there  
33 does not need to be a holder for the historic preservation specialist, as the  
34 City of Las Cruces has gone into agreements with the federal and state  
35 governments in terms of historic preservation. There does need to be a  
36 specialist written into the document. And my question would be, there is a  
37 specialist right now being interviewed, and so that position does need to be  
38 put into the document. And again, I would request that we have a work  
39 session between the two groups so that we could discuss specific issues.  
40 Thank you.

41  
42 Kaiser: Thank you. All right, next row.

43  
44 Verploegh: Good evening. I'm John Verploegh for the record. Commissioner, Chair. I  
45 appreciate the chance to address you this evening. I would just like to make  
46 two points about Chapter 2. And that is that some of the changes that have

1 been wrought over the last couple of months, we haven't had a chance yet  
2 to make public comment to through the course of cancelled meetings or  
3 other occasions that have come up. We haven't had, that ball's been hidden  
4 from us to a certain extent. And so I'd like to address the fact that within the  
5 designation of their historic preservation commission as a committee, I think  
6 that they're not just semantics. That as my wife was about to say, that they  
7 solicit testimony, fact find, they are held to standard of review, they  
8 adjudicate questions and could be appealed on those decisions. So those  
9 are not just minor semantics about the way that that commission is to  
10 operate. A commission, I think, will just defang the whole Chapter 2 as far  
11 as the intent and the character of that portion of it. Secondly, I did, I'd like  
12 to say too that the idea that you would not no longer have a specialist  
13 conducting the duties of that historic preservation specialist, you know I can  
14 see that if you are understaffed that you might relate to director and put that  
15 decision making at that point. But you can also, the opposite can be true  
16 as well. That person can be that designee if the director needs to make  
17 those decisions. And so I think it, I find it important that that specialized  
18 specific kinds of job duties are assigned to that person because it's a full  
19 time position. Thank you.  
20

21 Kaiser: Thank you.

22  
23 Deason: Chair. For the record, I'm Dr Paul Deason. And I want to again thank the  
24 staff for the work done on chapter, the Elevate Las Cruces, especially  
25 revisions of Chapter 2. Several points I want to make. First of all, the two  
26 historic districts that are not included because they were not in the 2001 are  
27 the Mesilla Park Historic District and the Elephant Butte Historic District,  
28 both need to be identified as they are nationally. Second, by having,  
29 eliminating the title of commission and eliminating the historic preservation  
30 specialist and specified as that in the document, you are eliminating the  
31 possibility for City of Las Cruces to continue as a certified local government  
32 identified in National and State Historic Preservations, and also eliminating  
33 the chance for a lot of money to come and to be able to assist in  
34 preservation. Lastly, I would like to have specified in the Chapter 2 that  
35 when they're talking about demolition that they are specifying in historic  
36 districts and for historic properties, the process of deconstruction so that the  
37 material, the historic material can be used for future. Thank you.  
38

39 Kaiser: Thank you. All right, any final folks on this side of the room? Nope. All  
40 right, coming over here. We'll just go front to back. We'll start with the back  
41 row. Sorry. All right, next row up. All right.  
42

43 Ruprecht: Jo Ruprecht for the record. I am not a member of the historic preservation  
44 commission. I have been an observer and been participating in historic  
45 preservation efforts for more than 20 years. I want to point out that historic  
46 preservation is more than let's just save something that looks pretty. And

1 when I was involved in participating in some of the initial national trust  
2 efforts to create the National Register of Historic Places, it was clear that  
3 there were divisions within the preservation community. Part of what's  
4 evolved from that is that the preservation guidelines are really very nuts and  
5 bolts, very specific, and there's a lot of structure to the state and federal  
6 statutes that not most people grasp. You really need a specialist on staff  
7 who is thoroughly familiar with those guidelines and who can work with them  
8 on a daily basis, rather than thinking that anybody who is in community  
9 development can handle this task. And I think we've seen that this evening  
10 simply by the fact that there's been more discussion about the adding of a  
11 carport to a single-family structure, than to anything having to do with  
12 historic buildings in a civic sense this evening. Thank you.

13  
14 Kaiser: Thank you.

15  
16 Pearson: My name is George Pearson. I'm Vice President of Velo Cruces, which is  
17 bike ped advocacy organization, nonprofit in Las Cruces. Realize mirrors  
18 current code in that it requires bicycle parking only for new construction.  
19 There is wording to require bike parking after a certain threshold of changes  
20 to a property, but in practice this hasn't made any changes to require  
21 parking. We've seen changes to Walmarts and Albertsons, where bike  
22 parking is simply lost. Realize needs to be modified to require bicycle  
23 parking for existing properties. It can be a reasonable requirement like  
24 applies only say if you have 15 vehicle parking spots, then require bike  
25 parking, and it can be phased in over a number of years. Requiring bicycle  
26 parking in this way helps with several goals that improve the quality of life.  
27 A sustainability office has had Council work sessions about how much  
28 vehicle transportation causes pollution. There are economic and health  
29 benefits to bicycling. We need to be working towards a mode shift, and that  
30 can be done if we have safe and secure bicycle parking so people that  
31 choose to commute to work and stop at the grocery store on the way home.  
32 And this was discussed at the technical advisory committee. There was no  
33 push back from anybody. So I was kind of surprised that this was not  
34 included in the code. So I would ask that this Commission recommend a  
35 change to require bicycle parking for existing properties. Thank you.

36  
37 Kaiser: Thank you. All right, next row.

38  
39 Crowley: Commission and staff. My name is Jody Crowley. I'm with the AARP of  
40 Las Cruces, also of New Mexico. I'd like to commend you for all the changes  
41 that are supporting missing middle and especially ADU. Many, many  
42 seniors want to age in place. Most seniors want to age in place. Anything  
43 you can do that will encourage and facilitate multigenerational families  
44 would be of use. Seniors are one of the largest age groups that increasing,  
45 and so the awareness of the needs of seniors will be a real benefit to the  
46 community. Thank you.

1  
2 Kaiser: Thank you. All right. Anybody else in that row? You?  
3  
4 Kurtz: Hello. My name is Don Kurtz. And I, during the first couple of hours where  
5 we've got to watch you go through this, I really congratulate you. I think it  
6 was wonderful. Your experience and the issues you raised were great. I  
7 think consultants work was good. I really appreciate the staff's answers.  
8 And this has been part of a process really that began all the way back with  
9 Elevate, where I think the City has really acted dynamically to make this a  
10 good place and meet the goals of a prosperous, livable City. And I think it's  
11 been great. That said, I hope you will as time goes on and as this moves  
12 through with your comments and things towards the Council, often people  
13 emerge at the last second and they're all of a sudden interested in this and  
14 raise all kinds of objections. And I hope of course you'll listen carefully, but  
15 that you will stand firm on the things that are the essence of this Realize  
16 effort, and especially the variability of housing, which I think will be, is very  
17 important. And I speak as a person in exactly the kind of neighborhood I  
18 think you're kind of, you're creating. I live in a townhouse myself. Behind  
19 us there's an apartment complex. We're surrounded by single-family  
20 housing. And I've been there 35 years, watched our neighbors grow up on  
21 either side of us. It's a good, active neighborhood, and I think that's where  
22 we're trying to arrive. So thank you for your work. I appreciate you staying  
23 on after we leave and keeping this going.  
24  
25 Kaiser: Thank you. All right, anybody else on this side of the room? All right, last  
26 call for anyone who has not spoken. All right, we will close public comment.  
27 Thank you. You are more than welcome to stay and listen to the  
28 conversation, but we won't be offended if you leave. So thank you for  
29 coming out this evening. Thanks for your patience. Thanks for your input.  
30  
31 Thurston: Are we jumping back into Chapter 3 or we move on to Chapter 4?  
32  
33 Kaiser: I think we move on to Chapter 4.  
34  
35 Thurston: Okay. I agree.  
36  
37 Kaiser: So take a minute to review your notes, but feel free to chime in if you've got  
38 something.  
39  
40 Thurston: On your slide show can you go back to page 33? I just have a note here  
41 and I'm making sure it's not in this in. No, that's a different chapter. And  
42 page 34. Okay, I don't know why I got page 34 on here then because there's  
43 nothing there. Thank you. Well, I just got a note here page 34 and I wanted  
44 to make sure that was correct, but there's clearly nothing on that page.  
45

1 Murray: I don't have any comments for number four, but jumping ahead spelling  
2 mistakes for Sara Page 351, I X I think minimum is spelled wrong. Correct  
3 me if I'm wrong. And then C at the very bottom, notice of W. I think the W  
4 should not be there.  
5

6 Gonzales: Okay, you said those really fast. Repeat what you just said, so I can write  
7 these down.  
8

9 Murray: 351, I X at the end of the sentence, it says minimum, which is mm1mum.  
10 And then C at the very bottom of that page, be given written notice of W  
11 department permitted elevation. I feel like W should not be there.  
12

13 Kaiser: On Chapter 4 I think just did the same comment I made earlier about the,  
14 that initial question being does the property have the correct zoning? I think  
15 it should be the other way around. Does your project need zoning? And  
16 then you go from there. Section 4-3 A under master plan development,  
17 section 4-3 A1A, where it references basically the purpose of the master  
18 plan development is to advance the goals and objectives of the City's  
19 comprehensive plan. I would also add and the other adopted policies, just  
20 to make it clear that it's more than just the comp plan. And that would be  
21 consistent I think across the board, we've already stated those. I guess  
22 more of a clarifying, so on the same page, and this is 277 by the way, under  
23 2B2 annexations where substantial development is not anticipated. How  
24 are we defining substantial development? Is there a definition?  
25

26 Craycraft: I do not think we have a definition right now.  
27

28 Kaiser: Is that something that we can define? Because substantial on its own  
29 seems subjective. And I think in the context in which it is located, in the,  
30 that a master plan may be omitted, I think it's important that we try to be  
31 more objective.  
32

33 Craycraft: Okay.  
34

35 Thurston: I got clarification. I brought this up at the very beginning with David Weir. I  
36 just want to make sure I'm understanding this correctly. On a master plan  
37 development, you don't have to have a master plan development as long  
38 as you do it with one phase. Is that? So if a developer comes in and he  
39 says, hey, I'm going to do 20 acres, it's 100 lots, but I'm going to do all of  
40 the development at once, that does not need a master development plan.  
41 Is that correct?  
42

43 Craycraft: Correct. Only if it's phased.  
44

45 Thurston: Okay, so it's only if it's phased. And then the 30 or fewer lots kicks in. Is  
46 that correct, with 30 or fewer lots? Because originally it was at the very

1 beginning, was any more than 30 lots you would have to have a  
2 development, a master plan, and then we removed that. So I'm just making  
3 sure that still stands the way it is, because the 30 throws me off.  
4  
5 Gonzales: Commissioner Thurston. I believe the 30 lots was removed. So it's only  
6 stating what's required, which those would be the three. So it's if you're  
7 dividing into various phases, if you're doing an annexation, and then when  
8 you're going to use the alternate summary process for subdividing.  
9  
10 Thurston: Okay, so on 277, mine still says with 30 or fewer lots. So is that removed  
11 on yours?  
12  
13 Gonzales: What number are you on?  
14  
15 Thurston: So page 277, section 4-3, a master plan to be one.  
16  
17 Craycraft: That's to allow the director to omit the requirement for a master development  
18 plan if there are two phases. So if you're doing a two phase development  
19 without that provision you would be required to do a master development  
20 plan. If you're doing a two phase development, but there's fewer than 30  
21 lots, then the director can still determine that ...  
22  
23 Thurston: Still.  
24  
25 Craycraft: You don't need it.  
26  
27 Thurston: I just needed clarification on that. Thank you. Then it's good.  
28  
29 Kaiser: All right, final comments on section four, Chapter 4, sorry. All right, moving  
30 on to development standards, Chapter 5. I have a feeling we're going to  
31 have a lot to say here. Go for it.  
32  
33 Thurston: Mostly my notes are on Chapter 5. I'm going to bring it back up to just the  
34 building of new roads and fixing of old roads. One of the issues that I had  
35 a long time ago was, I'm going to bring back Del Rey as a good example.  
36 And I'm not sure how to fix this yet, and I don't think it's in the code. And it's  
37 in a development where, in a road section where development is already  
38 finished and it sat there, so there's some of these that we have throughout  
39 the City that have sat there for 10 years, 20 years. Del Rey is a perfect  
40 example of the building on the west side of Del Rey, right before the Parkhill  
41 subdivision. There's one on the left. It goes from, when you leave the  
42 underpass of Highway 70 and you go underneath, so then now you're on a,  
43 where Ashley Furniture is and all that, that's a four lane. You keep going,  
44 and then it goes down to a two lane, and then it jumps back up to a four  
45 lane. So in the future when whoever the developer on the east side is,  
46 because the development has already happened on the west side of the

1 road, when it happens on the east we're only going to get the other, that  
2 side of the road finished. So you're going to go now from a four lane and  
3 then when they develop it on the right because the left has already been  
4 developed, if you're tracking with me here, we're going to have now a four  
5 lane to a three lane, and there's no way that we're going to get the left side  
6 of that road built because the development has already happened. So with  
7 that, I'm just trying to find a way, I've had discussions in the past and it says,  
8 well we don't have anything in our ordinance that allows the City to basically  
9 build that extra little road to complete a road. So I'm more wondering on  
10 completion of roads when development is already done and we have new  
11 development on that half, but how do we actually finish off those small  
12 sections throughout the City? What provisions? What can we put in there  
13 to actually finalize some of these roads? And that's just a one example.  
14 But as staff, you guys probably know of you know a hundred different  
15 locations that this is happening. And so is there anything that we can put in  
16 here that allows the City, whether the City wants to or not, but it actually has  
17 wording in there that says, if we want to do this, we have something that  
18 says we can. Because currently I believe it's written that the City cannot do  
19 it unless there's other hoops that we have to jump through. You guys have  
20 to help me on that clarification of it. But can you give me some feedback as  
21 to how do we fix that problem with our new code here?  
22

23 Craycraft: Either City staff or Fred can correct me if I'm wrong, but I don't know of  
24 anything that would prevent the City from if they wanted to do a capital  
25 improvement project, they may have to acquire right-of-way, if the right-of-  
26 way wasn't dedicated at that time. But if the if the site is already developed  
27 and it's not redeveloping, and we're not requiring them to improve the road,  
28 and the City wants to go in and complete the project, I don't know of  
29 anything that would be stopping the City.  
30

31 Thurston: I can't remember exactly what it was, but I was told through staff, well this  
32 is probably like four or five years ago though, that there was no provision  
33 with the City to allow that to happen. I don't know what, there was other  
34 things in there. And I, so I was just saying, how do we get this? And they  
35 were, I can't even remember the individual that I was chatting with at the  
36 time, but anyways there, I would love to find a way to actually do that. Is  
37 there like a tax bond? Is there like, are there ways to improve it? Because,  
38 as of right now the code mostly, most of the roads are built by the  
39 developers, right, and so we wait and we wait and we wait. Now you do  
40 see like a road runner that was, Roadrunner was put in and the bridge was  
41 put in over there. I don't know how that actually happened, but what process  
42 they had to go through. But if, I guess what I'm trying to just allude to is,  
43 how do we fix the problem?  
44

45 Faivre: Mr. Chair, Commissioner Thurston. That is a good question. That is  
46 something that comes up periodically, and that's probably something that

1 would have to be addressed specifically with the capital, the CIP plan and  
2 maybe a process there. So not sure we can come to give you an answer  
3 this evening, but that is something that we can look at with staff. And if  
4 we're not able to figure out a way to address that before adoption, definitely  
5 something that we can address with staff as we move forward and maybe  
6 find some way to amend something down the road. But it's a good point.  
7 It's something that we can continue to discuss with staff. But I'm not really  
8 sure what the answers would be without bringing City Manager's office, long  
9 range planning, a lot of other departments together, Public Works, to really  
10 kind of hash that out. But it is a good point, and we'll take note of that and  
11 see if we can figure out a process moving forward.  
12

13 Thurston: Thanks. I just, we see it throughout the City, and it does come up all the  
14 time as we're developing little lots here and there. And so I just, that that's,  
15 we can have a discussion later over it and figure out how to do that like  
16 you're saying. That's one. Got one more item crossed off here.  
17

18 Murray: Going to page 370. Just a general question. Maybe you can clarify. What's  
19 like the current dedication in regards to parks and the fees that are  
20 applicable to the developers with this current code.  
21

22 Kaiser: You said 370.  
23

24 Faivre: Mr. Chair. We've got staff from the Parks department that can answer  
25 questions related to that.  
26

27 Bingham: I heard the question, but I'm not sure I completely got all of it. Will you  
28 repeat that, sir, please.  
29

30 Murray: I guess in the current code is there a, are we changing from the current code  
31 to something new in this code as far as like reducing fees or anything in  
32 regards to dedication of the parks?  
33

34 Bingham: So Realize Las Cruces is, thank you. Steve Bingham, Parks and  
35 Recreation Director. Realize Las Cruces, it currently is written is going to  
36 model in which it there's park dedication for neighborhood parks, much like  
37 a fire hydrant or a local road and to be built in the front end with the  
38 development. And then we do need to finish a study for impact fees for the  
39 other portion that's unrelated to this code but interacts and that will come  
40 forward in the next spring.  
41

42 Kaiser: And that dedication part for neighborhood parks that's new, right.  
43

44 Bingham: Yes.  
45

46 Kaiser: Okay.

1  
2 Murray: And that dedication is solely on the developer to provide the cost to, and the  
3 City doesn't chip in on any of the costs associated with the park.  
4  
5 Bingham: There are two vehicles for building parks. One is park dedication, and the  
6 other one is impact fees. The current proposal, or currently all of that is  
7 handled through impact fees. But the change is going to remove, is  
8 proposing that you remove neighborhood parks, and it would be removed  
9 from the impact fee and be put in as park dedication. Currently there's no  
10 park dedication. So we're going to go to, from just impact fees to a portion  
11 coming through park dedication and then a separate, distinct, different  
12 portion coming through impact fees.  
13  
14 Murray: Okay, so right now there's an impact fee that of course connects to City  
15 utilities, water, sewer, whatnot, that is paid by most likely, the buyer of a  
16 new construction home, sometimes developer. You're splitting that to add  
17 another one or pulling out from the impact fees to add the dedication fee.  
18  
19 Bingham: So the current impact fee is \$2,600. That impact fee was passed 10 years  
20 ago. It was not the full recommended amount to maintain the current level  
21 of service, which was the level of service for neighborhood parks,  
22 community parks, trails, aquatics and natatorium type facilities. We didn't  
23 have the natatorium at the time, but swimming pools and for recreation  
24 centers. What is being proposed in this rewrite is that neighborhood parks  
25 would come through the development as something like you would a fire  
26 hydrant, and that would be on the front end. That the cost of that would be  
27 removed from the impact fee. Okay. And it's going to be separated. So  
28 that there would be a park dedication which is a vehicle that hasn't been  
29 used here before but has been in effect in the country since the 1960s. And  
30 so there'll be a portion which will, you know the pools, the rec centers, the  
31 community parks, the regional parks, the trails, currently are staying you  
32 know in the impact fee, in the proposal, just the neighborhood park portion.  
33 And you can't be double you know charged, you can't have the  
34 neighborhood be part of the impact fee and also part of the park dedication.  
35 You have to choose which vehicle you're using.  
36  
37 Craycraft: If I could add to that also. Part of the reason for removing neighborhood  
38 parks from impact fees and instead doing the dedication route is that the  
39 City would rather have a developer dedicate and build their own park within  
40 the subdivision, instead of giving a fee in lieu, and then it's difficult to have  
41 a nearby park to serve the residents of the subdivision that's being built. So  
42 the idea would be if you're building a larger subdivision, you're going to  
43 dedicate the land within your subdivision to serve the additional residents  
44 that you're adding. So that's some of the rationale for pulling it out from  
45 impact fees and doing it through land dedication. The larger parks, the  
46 community and regional parks that are being addressed through impact

1 fees, those are more of a larger scale where it does make more sense for  
2 the City to get an impact fee, and then the City can plan for those larger  
3 parks.  
4

5 Thurston: All right I got philosophy difference on this. What currently is happening is  
6 developers will come in, so you can, we can come in and put a, well let me  
7 give you a personal example. Rincon Hills is one of the subdivisions we did  
8 as Ken Thurston development. We came in and we did a three acre park,  
9 and it was 221 lots. So when we came in, we are able to receive \$2,600  
10 back per house. So the amount of money that we would put in, say, there's  
11 the 221 lots, you would times that by \$2,600, then that \$2,600 is the amount  
12 of money that I can spend on that neighborhood park. So I spend that  
13 money on the neighborhood park, and then I get reimbursed back. Now  
14 ultimately when I go, now when I switch companies, right, from the  
15 development company to the housing company. So the development  
16 company got reimbursed for the park, right. So that money has kind of  
17 washed off. Now, as a home builder I come in and I pay a \$2,600 fee to the  
18 City. Okay. So that's where the City gets the money to basically pay this  
19 park fee that basically reimbursed the developer. So at the end, you have  
20 a \$2,600 fee that goes to the end user, so the person buying the home. So  
21 we have \$2,600. Then the builder, in the instance you will then mark up  
22 everything as any business, a grocery store, a T-shirt business, everything  
23 that you do, you then put your markup on it and then you turn around and  
24 you sell it to the end user. Well, by changing this, as a developer and as a  
25 home builder, I'm a little bit nervous that I will then have to put in the park,  
26 okay, I'll put the park in. I don't get reimbursed anymore on the development  
27 side. So where does that cost go? I'm going to put that cost back onto the  
28 sale of the home. Well, if, now this is the if question in here, is if the park  
29 impact fees that are \$2,600 stay the same because the new park impact fee  
30 that comes in, or the park impact study that comes in then says we still need  
31 a \$2,600 park fee on top of the park that the developer is now required to  
32 dedicate, we will then take that \$2,600 and we will tack it on to the sale of  
33 that home. So the issue is, is a \$2,600 park fee can now turn into, which  
34 it's still \$2,600 but now we put these additional park, neighborhood park that  
35 I'm required to do to put in so now \$2,600 plus \$2,600 can end up being  
36 \$5,200 to the end user, right. But you also put a markup on it, as every  
37 single business does to stay in business and so that \$5,200 depending on  
38 who you are, will increase to the end user. So a little bit nervous on every  
39 single one of my homes going up you know. And if we're trying to keep the  
40 affordability of homes, this could be one where it's not really going to create  
41 the affordability, it could actually cause our houses to go up a little bit more.  
42 So have a little bit of issue with that on the fact that the unknown is what is  
43 the study of the park impact fee going to come back and say? So, if it comes  
44 back and says, hey, your Las Cruces is still at a deficit. So if we are trying  
45 to get to a, so the national average which I am starting to understand, is a

1 10, 10 acres per 1,000 humans, is that correct? Ten acres per 1,000  
2 people, we are trying to achieve a six. Is that correct?  
3

4 Bingham: So, the national average is between 10.2 and 10.6 depending on the size  
5 of the community for total parkland and open space. Okay. The regional  
6 or the region, the park land, like neighborhood parks, community parks, and  
7 that is coming in around between five and seven, depending on the  
8 community. That's typically where that runs. Yes.  
9

10 Thurston: So right now the reason why, at least my understanding of this, why the  
11 parks are changing is because we are trying to take Las Cruces to a  
12 healthier City, a more, you know there's more parks, there's more things to  
13 do for the youth, there's other things. So I see the pros of it in trying to make  
14 our City a little bit better, but there's still the little bit of kinks in there of how  
15 do we make it better, but how do we also not cause all of the cost to go up?  
16 And then how do we prevent the unknown of what a park fee is going to be?  
17

18 One of the suggestions that has come through is to, from the development  
19 side, is to leave a reimbursable for neighborhood parks in that park impact  
20 fee. And the number that we have thrown around was 50%. So what this  
21 would look like is, as a developer I would come in, I would build the park.  
22 However many units I have in there I could get my, what would that be  
23 \$1,300 per house. So I would have to keep contributing a little bit to those  
24 parks to get them to where I need to. But it also helps the developer in one  
25 instance of having some type of an understanding or some type of a buffer  
26 to them as to what this new park impact fee is going to come in at. So if the  
27 park impact fee goes to \$3,600 it still allows the developer to get reimbursed  
28 some, so there is a little bit of a buffer that goes to the developer. Because  
29 what the fear that we're having is, okay, if we do it this way we have just  
30 increased the cost to everything. And what we're trying to do is at least  
31 have some little bit of I guess like a safety net type of a deal of leaving a  
32 percentage allowed for reimbursable for neighborhood parks, not 100%  
33 anymore, because that's where, that's, currently we were just getting 100%  
34 basically for neighborhood parks. So what you see is, and that's happening  
35 still currently until the new code then. We're just saying, hey, maybe we  
36 reduce it from maybe 100% but we leave it at the 50% and then that still  
37 allows the City out of the \$2,600 they'll have that \$1,300 to be able to do  
38 the other items that are not neighborhood parks. For us as developers and  
39 home builders, we think that's a way that it'll help at least prevent some of  
40 the costs of the homes to increase than the way that we currently see it right  
41 here. That's kind of our view of it. I'll go ahead and let you guys talk now.  
42

43 Murray: I think you kind of said it perfectly. Because my main concern was, of  
44 course we want to have parks and whatnot and they provide for the  
45 community. I personally don't use them, but that's my own choice. But the  
46 affordability comes into question where if the developer has more costs on

1 his end, he's just going to put it to the end user, the buyer of the new  
2 construction home, which essentially then would go to me. So I think if  
3 there's a solution to come to a compromise. I know that KT Holmes is  
4 probably not the only developer that has raised concern into that, but we  
5 kind of want to make sure that we're coming to a compromise so that we  
6 can continue to have development, so that we can have more housing, so  
7 that the affordability continues to go into the right direction that we needed  
8 to.  
9

10 Jo. Acosta: I just wanted to add something. You guys, Commissioners, again, this is  
11 not my line of business, so I'm, I mean, miss me if I'm wrong with any of  
12 this. I'm just you know voicing the, I guess, observation for what the last 10  
13 years housing prices seemingly like doubled, right. And I know you're going  
14 to know more stats on that than me. But what is the inventory of housing  
15 out there reflecting on the end users price versus this development  
16 reimbursable and how do you, you know control one factor to another I  
17 suppose, on where that inflation I guess, or whatever you want to call it,  
18 fees get passed along. But it's like you know if, again if \$5,200 isn't going  
19 to be \$5,200 and you're going to get marked up to \$7,500 you know in terms  
20 of all the other places where margin gets tacked on, on you know developer  
21 or real estate, in whatever. I mean I guess to me I'm just curious on your  
22 thoughts of that, because it seems like a whole lot to control, and not that I  
23 would want our developers to have to pay more and thus force the price to  
24 go up. I just seems like a lot to corral.  
25

26 Thurston: We've had, behind the scenes, we've had three or four meetings with Parks  
27 on this one, because it is, it's not a, this one's not like an easy subject of,  
28 hey, how do we increase the level of service of parks because then there's  
29 all of the data that shows why having parks in a community is great, right,  
30 all the health benefits. And then we have other data that shows, hey, even  
31 when you go up \$1,000 on a house, you cut out it's like 75 people from just  
32 our market. And we have some studies from the NAHB that shows every  
33 time you go up \$1,000 you're cutting more people out of the market. So it's  
34 a delicate way to like, it's a balance, right. It's this dance that has to happen  
35 of, how do we keep the cost down, but how do we still give the more  
36 service? And so it really is hard. The one thing I am going to say about this  
37 new code, not necessarily Parks, this new code will help us, some of these  
38 clusters, other mixed use development and things like that, is going to allow  
39 us to be able to get that price point back down to where we're at. So in  
40 2020 we have our model home, and we used to sell an 1,871 square foot  
41 home, four bedroom, two bath, \$217,000. Today, that same house if we  
42 sell it, it's like \$358,000. So parks, to you know if you look at the whole  
43 scheme of things, parks is not the one that's going to raise our prices from  
44 \$217,000 to \$358,000, right. But every, you know another \$5,000 that I got  
45 attack onto a home does hurt you know. And so, but it's not necessarily  
46 just, it's if you look at the market right now you're starting to see that, that

1 we're starting to price people out of the market in multiple ways. And so  
2 you know as the market dictates we change, we adapt, we move along with  
3 the market to find a way to get these more houses. And so this development  
4 code will help lower some of the pricing, like you can see in the Phoenix  
5 areas that you actually can get the missing middle. So missing middle is  
6 going to help some of the affordability and fighting against the inflation that  
7 we have, but the parks itself is something that like me personally I love  
8 parks. I love them. But you can look at my development and you can see  
9 in Rincon Hills I think we're meeting the standard that parks wants us to  
10 meet in the one that we did. And so I try to do it. I think it's a benefit, there's  
11 health benefits, there's all that kind of stuff. We just want to make sure that  
12 we're not, we're doing this balancing act to where we're trying to get  
13 maximize, maximize it to the end user without trying to raise the price of  
14 homes just because of a new ordinance that comes in. Does that that help  
15 at all?

16  
17 Jo. Acosta: Yes, it sure does. And I mean, I guess the further commentary I had on  
18 that, for instance talking about like tree removal permitting and things like  
19 that, I guess I don't entirely know what the maintenance and the upkeep of  
20 you know particularly a two foot tree. And water requirements are going to  
21 you know require over you know the life of that tree versus, for instance  
22 more desert environment, drought tolerant kind of plants and stuff. So I  
23 guess those were kind of things I'm like where can cost be controlled in  
24 different places over a long period of time versus maybe passed on to the  
25 developer or the end user. I don't know. And again this is just the  
26 commentary.

27  
28 Thurston: I have a couple more questions on the park for you guys, if that's okay. So  
29 on page 365, parkland dedication, and also if you'll go on your, I believe it's  
30 page 33 on your slide show here. So if you go to see parkland, parkland  
31 dedication number two, just a, we need to update your mathematical  
32 equation in the booklet. In the, on your section, on this slide show it's  
33 correct. So if you do the math here there's the little divide by 1,000 people.  
34 This 365 it says equals acres to be dedicated on population. So if you try  
35 to actually use this formula, it doesn't work. But the one on your slide show  
36 works.

37  
38 Kaiser: I think it's a formatting issue. The thousand is all the way over.

39  
40 Thurston: On the right, yes. So that's just a small, that was just a small little thing that  
41 you can fix on that one. Go ahead.

42  
43 Craycraft: Mr. Thurston. Yes, we were looking at my version versus Sara's version,  
44 and it appears to be a formatting issue depending upon how it was printed  
45 out and so we'll take a look at that.

46

1 Thurston: Awesome. Now I go on to, it's still under C4, C4A land dedication for a  
2 neighborhood park shall be a minimum of three continuous acres in size. If  
3 you follow down, it'll also say that walk should, on C walk sheds of a quarter  
4 mile will be provided. And then so on those two my question is here; do you  
5 have any examples for us what that actually looks like? Because this is  
6 looking like every half a mile I have a three acre park. Do you have  
7 examples of that that we can actually see to?  
8

9 H-Rogers: Commissioner Thurston, members of the Commission. That's something  
10 that we can pull for you. It's a recommendation that comes directly out of  
11 our Parks master plan. But you're correct in your assessment of what that  
12 actually means. And we can see if we can get some examples that can  
13 show you what that looks like.  
14

15 Thurston: Thank you. Then the other part of that is, the reason why I want the  
16 examples is because when I come in and, or not me necessarily, but a  
17 developer comes in and they are trying to do this missing middle, and I have  
18 to dedicate three acres versus these pocket parks, that you'll notice if you  
19 go and look on online, go to Google Earth and just start zooming in all over  
20 the places that are actually having this missing middle, and you'll notice a  
21 lot of smaller parks, and you're not going to see a three acre park that's  
22 always there. And so I have a little bit of design criteria issues that this is  
23 going to create, some issues when we're trying to do urban areas, when  
24 we're trying to still create the walkability, we're trying to create the trails, and  
25 the minimum is a three acre dedication. That's going to cause a little bit of  
26 hindrance in the design process of building. So I just wanted to bring that  
27 up. That might be of further discussions on how do you actually achieve  
28 three acres when we're trying to densify some of these places?  
29

30 Kaiser: And I would second that comment too. I think it kind of handcuffs us in  
31 many ways. Having lived in more urban areas, yes you want to have your  
32 larger you know fields that you can throw a football around in or baseball or  
33 whatever. But there's something to be said to just finding that little nook  
34 and cranny that's all the, your own for that you know 30 minutes that you're  
35 there. We don't need to you know slice it up into little tiny pieces, but I think  
36 having some flexibility there, particularly in our urban core, I think we should  
37 highly consider that, and that would be my recommendation as well.  
38

39 Thurston: On D, it says land must not be located on a cul-de-sac. Once again, I'm  
40 going to go back to Google Earth, and I look down in the Phoenix Valley,  
41 and what you'll see is, in order for, we're trying to promote a lot of these  
42 trails, right and open spaces. And what I've seen down there is they actually  
43 do two cul-de-sacs that will join together, well not totally join, but then it  
44 creates that open space for that trail to come throughout the entire  
45 neighborhood to still keep that contiguous. So if you are going to require it  
46 to be a three acre, one of the good ways to be able to do that is if I make

1 this park a little bit skinnier, right, and now I make three acres in a longer  
2 fashion. Well I want these access points, possibly by cul-de-sac. And also  
3 the cul-de-sacs are good places for people to park, so there might be other  
4 design criteria that we can, instead of the cul-de-sac having the houses on  
5 the end the cul-de-sacs are there, but also for parking for parks. So there's  
6 a couple little design criteria that that way that I'm not a fan of not allowing  
7 a park to be on a cul-de-sac because of that.

8  
9 Also, in H3 within 100 year flood, you can't put a park. I love park ponds.  
10 Rincon Hills is a park pond. It allowed me and the citizens to actually use  
11 a park pretty much 99% of the time in Las Cruces, because it does not rain  
12 here very often. And because it doesn't rain here very often, that allows us  
13 to use more parks. So in our specific park, we were not allowed to take the  
14 drainage and calculate it into the overall I believe park reimbursement or  
15 so. There was something to do with that. And so we kept it outside of it,  
16 but it allowed that extra like 0.75 of an acre to be put in and then we grassed  
17 it and everything. And so now today if you go over there you'll see a lot of  
18 kids playing it and soccer. But I do understand that on the park side there  
19 is a little bit of hesitancy for wanting to do that because there is a difference  
20 with parks as parks, drainage is drainage, right, and they don't want these  
21 to mix. You know if we do ask Steve I'm pretty sure Steve's going to say,  
22 hey, it brings weeds in when the wind, you know when it rains it brings the  
23 weeds in and then it's a little bit harder to deal with. However, the overall  
24 good I think outweighs the bad in being allowed to have that 100 year flood.  
25 If you want to have any comments on that there Steve. if not, I'll keep going.

26  
27 Craycraft: I did have one comment on that. For the, just to be sure that you saw that  
28 that's no more than half the park can be in the 100 year flood plain. So half  
29 of the park can be in a flood plain, just not the entire park.

30  
31 Thurston: Okay, that's good then. At least it's there. Yes.

32  
33 Bingham: There's a lot of comments that have been made. And a couple things I think  
34 ought be added to the conversation is, is, not only is that quarter mile  
35 standard in our adopted master plan, but it is also the standard that is  
36 recommended across the nation and is adopted in a lot of the communities.  
37 The other thing is, is when we looked at the acreage and we went with three  
38 acres minimum, that was one of the lowest that we were seeing. We found  
39 a lot of other communities that were up for neighborhood minimums up to  
40 five acres as a minimum requirement. I don't think we dislike having parks  
41 that have some shared space with some drainage, but it has to be done  
42 right, and it has to be done in a way that it's not just the leftovers that  
43 minimize the play value and the park value to the residents. And so I think  
44 there's some compromise and some creativity that is needed there.

45  
46 Thurston: All right.

1  
2 Kaiser: While you're finding your next starting point I have got one, sticking on the  
3 topic of parks for the moment. This is page 368 in my copy. This is under  
4 criteria for dedication. This is. Yes.

5  
6 COMMISSIONER ACOSTA STEPPED OUT APPROXIMATELY 9:14. NO QUORUM.

7  
8 Faivre: You don't currently have a quorum. We've got to wait.

9  
10 Kaiser: Okay. We'll hold on that then.

11  
12 Thurston: Is that the rules? We got to wait if he's gone. Okay.

13  
14 Murray: Can I give a spelling suggestion?

15  
16 COMMISSION ACOSTA RETURNED AT APPROXIMATELY 9:17.

17  
18 Kaiser: All right, we've got quorum again. So my comment was on page 368, this  
19 is under, in parks, under G criteria for dedication. Number two is land  
20 dedication for open space or unimproved park land must be preserved as  
21 predevelopment state. I'd offer up that restoration projects should also be  
22 considered. I know there's a lot of "natural desert" out here that's probably  
23 not really natural anymore. So I think having some restoration options  
24 would be a good thing. I think that would also open up opportunities for the  
25 more urban part of town where perhaps arroyos that have been channelized  
26 could be un-channelized. And then I think my, So I'm not the park expert  
27 here in the room, but I think generally speaking I agree with I think most of  
28 what's in here with I think the exception of having just more flexibility in the  
29 design of the parks. I don't think we should be putting our eggs all in one  
30 basket of a three acre contiguous, I think we should allow for site constraints  
31 to factor in there. I think the total amount is reasonable in most cases. I am  
32 a little concerned with that number for our more urban part of town, I guess  
33 you would just do your in lieu fee in that situation. But something to consider  
34 there. But overall, I think you know the approach from the development  
35 standard side, I agree with the impact fee part. I'll leave that to other people  
36 to hash out. I would just say we'd be flexible and willing if things don't work  
37 in the future the way that we thought they were that you know there's a  
38 recognition that we can come back and make changes. So that would just  
39 be my comment on that. But I have no further comments on parks.

40  
41 Thurston: Okay, I got another one. Going back, like going back to C parkland 5,  
42 parkland improvements. Installation requirements, improvements shall  
43 defer to the Parks and Rec facility standards manual. One, do we have  
44 that? We don't have that manual yet, right? Okay, so I just needed, I just  
45 have a note in here that says we'd like to see that someday. And then and  
46 be coordinated with and approved by the park director or their designee.

1 The word Parks Director or the designee, one thing that has happened to  
2 me in the past seven years, 10 years of doing this, is I call it the regime  
3 change, right. When one Park Director leaves and I get a new Park Director,  
4 so do the rules change. And then when I get another one, so do the rules  
5 change again. And so sometimes it is frustrating to know, to not know what  
6 you're going to do as a developer. When you are developing land, there is  
7 a, time is of the essence in some cases. And when you are waiting on a  
8 Park Director or something to come back from Parks, and you do not get an  
9 answer, and you wait, you then move forward in your development knowing  
10 that you're going to put this park in here. And so we don't have agreements  
11 signed, we don't have other things like that. But there's also no way of me  
12 understanding what is required of me to put in that park currently. And so  
13 if I move forward, I'm taking my best guess that what I'm going to put, get  
14 put in is what the City is going to want. And so sometimes it puts me in a  
15 situation where I have to move forward, and I make my best guess, but it  
16 has burned me in the past. And so I just have a little bit of, you know just  
17 the regime change sometimes you change the rules with it. If there's a way,  
18 I don't know how to word that in here other than that is something that has  
19 happened. So if there's a way to in your guys' codes or if that is in your  
20 facility standards manual that gives me the standards of what to expect,  
21 then that would also, that would help me to know if I don't have an  
22 agreement with Parks, I can then go to your standards manual, put in and  
23 knowing that I should get that type of an agreement maybe even if I don't  
24 have an actual physical agreement. Does that make sense? So that's just  
25 a point of clarity in making sure that we have something like that in I don't  
26 even know, let's say, other than that.

27  
28 H-Rogers: Commissioner Thurston, members of the Commission. As we move  
29 forward with that manual, we will include you in on those conversations as  
30 we develop those, of course, that'll be a working document. We have a lot  
31 of the materials and just essentially have to assemble it all, but something  
32 that will be done in the next several months as we move forward with this  
33 as well.

34  
35 Thurston: Okay, thanks. Then move on to the next question, just for you. Trails, 1 A  
36 at the end the wording says, and exercise stations are installed. Is the  
37 wording in here and where it says extensions of the public trail and network  
38 shall be included in the calculation of the amount of dedicated parkland  
39 when the trail and amenities include streets and landscaping, street  
40 furnishings and exercise stations are installed. Does that mean I have to  
41 put it, or anyone else has to put exercise stations?

42  
43 H-Rogers: Mr. Thurston, members of the Commission. We can look at that. I think and  
44 is probably the wrong word to use there. It should be and/or as or as is  
45 described by the manual, but that's something that we can look at. I agree  
46 that may be a problematic statement.

1  
2 Thurston: I just know staff is going to look at that and say, where's your workout  
3 equipment. It says and.  
4  
5 H-Rogers: Understood. I think improvements perhaps, and we can look at how that  
6 can be clarified a little bit.  
7  
8 Thurston: Okay, now I'm going to jump over to alternates to parkland dedication. Now  
9 this is the land. So if I understand this, if I give up land I then still have to  
10 give a fee on top of that, is that correct in the current way it is written?  
11  
12 H-Rogers: Could you repeat the question, please again? As I was writing down all I  
13 heard was I, if you could repeat it please.  
14  
15 Thurston: So basically the subject of I.  
16  
17 H-Rogers: Yes.  
18  
19 Thurston: Right alternates to park land dedication.  
20  
21 H-Rogers: Yes.  
22  
23 Thurston: And maybe that's not just the only spot, but also in J where we can either  
24 dedicate land only, it looks like there's a couple of different options, but if  
25 I'm, for clarification we would have to give up land and then also have to  
26 give up a park fee. Is that correct?  
27  
28 H-Rogers: So in again, Commissioner Thurston, members of the Commission. In this  
29 particular section, this is when there are instances whereby perhaps it  
30 doesn't make, there's not three acres to dedicate, correct, and so you would  
31 be doing a fee in lieu in this situation. Or perhaps you're adjacent to an  
32 existing park and it makes sense to then dedicate land or improve portions  
33 of an existing park. And so these are providing alternatives to dedicate  
34 parkland build. So if no situations where it just doesn't make sense, the  
35 developments not quite large enough based on number of circumstances,  
36 such as adjacency to another park, etc., etc., these are some alternatives  
37 that one could employ. Did I answer your question?  
38  
39 Thurston: Yes. Now a fee in lieu, I feel that because your minimum is going to be  
40 three acres, I believe you're going to have more people using a fee in lieu,  
41 which is going to be an opposite effect of what we're wanting. The fee in  
42 lieu, so in order to give up three acres you're going to have to have a larger  
43 tract of land for that calculation to work out. And if you're not going to, if  
44 you, I'm going to say if you have something less than 40 acres you're most  
45 likely going to just pay a fee in lieu. And because of that, I think we'll just  
46 have more developments basically just say here's my fee, I'm done. I don't

1 have to worry about putting a park in. I don't have to really worry about  
2 putting a trail in. I don't have to, because I don't have to do it anymore. And  
3 so if I have a 10 acre tract that I can put a one acre park or a half-acre park  
4 and then I can put a trail contiguous to another one, it gives a lot more  
5 flexibility and I think we'll have more parks built in the City of Las Cruces  
6 that way that we currently have it. Whereas the three acre minimum once  
7 again I do see some developers that I have chatted with will probably pay a  
8 fee instead. That's more of a personal opinion I should say, but I do think  
9 that's what would happen with that. I don't have areally anything else for  
10 parks.

11  
12 H-Rogers: Mr. Chair. If I might sort of elaborate on something that Commissioner  
13 Thurston did say. We shared your concerns in terms of forcing people into  
14 a fee in lieu situation but during our discussions internally one of the ideas  
15 that did come to mind is that this doesn't preclude the City from perhaps  
16 working with the developer to then actually reimburse or purchase land so  
17 that there can be a partnership so that three acres or something like that  
18 could be developed as part of the process. So it would be more of a  
19 partnership perhaps in those situations rather than just a straight fee in lieu  
20 if at all possible.

21  
22 Thurston: As a Planning and Zoning board, as development community that I'm from  
23 we support basically almost everything in this from, we've gone through the  
24 process the Parks is the only one right now that we basically have a hang  
25 up with in theory of how things are going to kind of work out. We're still a  
26 little bit in the dark. We don't have the warm fuzzies yet. And so as a  
27 Planning and Zoning Commission I, in order for it to basically go to City  
28 Council and then get the recommendation from that home building side and  
29 the developer community. I do think it would be great for us to recommend  
30 that those two entities that the Parks and the development community can  
31 get together and have a solution before going to City of Las Cruces. I would  
32 love to just see this be able to go in to the City Council and not have to have  
33 this parks discussion there. It would be great for us as basically the  
34 development to community to come in and say, hey, we support it, let's go  
35 and you know really any issues to it. Because that is really the only area  
36 that we still have concerns on.

37  
38 Kaiser: So maybe in an effort to continue the conversation this evening, perhaps  
39 when we see this again in November, staff in your presentation can maybe  
40 present some examples of where this approach has worked. I think maybe  
41 might be helpful. I'm not saying that it will change your mind but at least  
42 maybe will give you some context in that the concerns that are being raised  
43 I think are completely valid, because the whole idea I think we're all trying  
44 to achieve here is we need more housing. And we don't want to give  
45 ourselves more rope over here just to take it away over here. So I think

1 maybe that might help further the discussion if staff could maybe plan on  
2 having some information in November.

3  
4 Thurston: I have all question.

5  
6 Bingham: I'd make one comment. I think a little bit that a lot of these developments  
7 that are going to be coming in are, you typically deal with, you're concerned  
8 that you need to be able to get three acres out of that. What you've got to  
9 recognize is, is it's per thousand people. And so there's a significant  
10 number of houses, units, and I believe it's like 667 or something, we had a  
11 calculation on and I can provide that to you later. But that is a significant  
12 number, and so there's going to be working together with subdivisions and  
13 plots that are next to it, or like was mentioned that we may need to buy a  
14 portion of land or work out a development agreement because the  
15 requirement for your development is only big enough for one and a half  
16 acres before we're going to get to the three acre minimum we're going to  
17 have to come to the table with a solution.

18  
19 Thurston: Commissioner. I don't think I have an any issue, nor some of the developers  
20 that I have with the three acre per 1,000. I don't think we have an issue with  
21 the actual calculation of it. It's more an application of it is, I think I've given  
22 the example of like a 10 acre tract of land right, now if I do my 10 acre tract  
23 of land and I get a high density of this 16 and maybe I get 160 units, well, I  
24 still can't give up three acres in a 10 acre tract and get what you need. It  
25 just doesn't work that way. And so you'll end up paying a fee in lieu. So but  
26 if you allow the flexibility of that three acre to reduce the size, it will allow us  
27 to put those parks in in other areas, because if not we are going to have to  
28 do what you said there is you know if I have a 10 acre well, maybe I'm going  
29 to carve off half an acre here and then cross my fingers that the adjoining  
30 neighbor with a development wants to attach his new park to my park, right,  
31 so that we can get even bigger. So it's just, it's tough. That's all I'm going  
32 to say on that. It is tough.

33  
34 Murray: Last questions that I have, technical manuals that have been mentioned,  
35 are they provided after adoption, or are they part of it prior to adoption?

36  
37 Gonzales: Mr. Chair, Commissioner Murray. they will be provided at the same time.  
38 So they will be adopted in accordance with each other. So if Realize is to  
39 be adopted then the technical manuals will be adopted as well.

40  
41 Murray: Okay. Do we need to review those as part of this or provide comments on  
42 it? Or are they kind of just typical?

43  
44 Gonzales: Mr. Chair, Commissioner Murry. Normally when you see technical manuals,  
45 they are usually reviewed by staff. We have had supplementary developers  
46 look at them to see if they understand or can actually implement some of

1 that. It will be out for public review. It will not have to have P&Z's  
2 recommendation for adoption though.

3  
4 Murray: Okay. Perfect. And then on this equation that we have on the screen here.  
5 How do you calculate people per unit? Like I'm just thinking you could have  
6 a retired couple, it's only two people, you could have a family of multiple  
7 with kids.

8  
9 H-Rogers: Commissioner Murray, members of the Commission. Periodically, every  
10 five years, we actually do what's called land use assumptions. And there's  
11 sort of two parts to this. One is people per unit, if you're talking about single-  
12 family home versus a multifamily. And there are some analyzes that are  
13 done, we typically hire a firm that helps us create these land use  
14 assumptions, that says okay based on current census trends and a number  
15 of other things we're estimating there's two point some odd people per  
16 single-family unit, but they're only one point, I don't know, six people or 1.9  
17 people per multifamily unit. So that's one piece of the puzzle. And that's  
18 something that's updated periodically so that we can match kind of our  
19 growth trends and how things are actually functioning.

20  
21 The other piece of the puzzle is actually when you're doing a master plan  
22 or you're doing a development plan you generally are provided information  
23 from a developer that says X amount of acres is going to be multifamily, X  
24 amount of acres is going to be single-family. And you can do some quick  
25 estimates in terms of how many units and then how many people based on  
26 the underlying zoning or what's being proposed on the master plan.

27  
28 Murray: Okay. Perfect. I have just last two quick ones. Last spelling, one, 381, 5A  
29 just like to get all these in otherwise I would forget. At the very end of the  
30 sentence, it says maximum of eight feet and eight. I'm assuming that is not  
31 correct. And then my very, very last one. I don't need a printed copy, but  
32 when we come to meeting next November, whatever, is there a way that we  
33 could get red lined or what items have changed throughout the pages, just  
34 so that we can be sure that we're reviewing or recommending our comments  
35 on tonight's meeting.

36  
37 Gonzales: Mr. Chair and Commission. Yes, we will be providing any of the updates  
38 that we would make prior to the code revision you have in your hand, so  
39 that was dated October 2nd. There has been a modification from the  
40 October 15th. We already have those documented. And then if we do any  
41 other modifications from anything we've taken back from the work session  
42 tonight and put those into code, then we'll provide those. So they will all be  
43 referenced back into your code as those changes are being modified.

44  
45 Kaiser: All right, I've got a few other comments that are not related to parks, but  
46 before I move off of parks, going back to the in lieu fee. Is it my

1 understanding that it's one or the other. So, like if you didn't have the  
2 minimum required, you either pay into the in lieu fee, or is there an option  
3 for like a combo, like I could give you one acre and then I'll pay in. Is that  
4 option available as it's written?  
5

6 H-Rogers: Mr. Chair, members of the Commission. I don't think there's anything in the  
7 code that precludes something like that from happening. There's a lot of  
8 deference given to the Parks Director to make some judgment calls if need  
9 be. But we can inspect that a little bit more closely to make sure that people  
10 could have some variability, if you will.  
11

12 Kaiser: Okay. I don't know if that's something that the development community  
13 would be open to, but seems like that might kind of thread the needle there.  
14

15 Thurston: It might help some. But the one question that when you ask, the fee in lieu  
16 in, if I understand this from what I read, which I might not, but the fee in lieu  
17 is going to incorporate the amount of units, times that by currently would be  
18 times by 2,600 and additionally whatever land use that I would have had, I  
19 have to pay that fee too. Am I understanding that correctly? So there's kind  
20 of two, there's two calculations on the financial model of what I have to pay  
21 you for the fee. I'm going to have to pay you for a land so you could  
22 purchase it somewhere else, and I'm going to have to pay the per unit cost  
23 to have a fee in lieu. Am I understanding that correctly?  
24

25 Bingham: Mr. Thurston. You threw out the number 2,600 which is the current impact  
26 fee. The impact fee is a different side. The fee in lieu is related to the park  
27 dedication requirement, which is related to just the neighborhood park  
28 function. It is not related to the impact fee that would go forward for  
29 community parks, recreation centers, trails, and aquatic facilities.  
30

31 H-Rogers: Again, the fee in lieu is going to be based on cost of land plus cost of  
32 improvements of that land.  
33

34 Thurston: Okay, so right here where it says a fee set by the City Council based on the  
35 market value of the required acreage.  
36

37 H-Rogers: And that's something that we are looking into having as done as part of the  
38 yearly fee schedule that's adopted, but it'll be based on this current pricing.  
39

40 Thurston: It also depends on where you buy that land. So if I go and I buy, if I, if City  
41 Council comes out and says, hey, we want you to buy land for us to put a  
42 dog park and right on Rinconada and Highway 70, that land is going to be  
43 extremely expensive because it's commercial land, but yet it was created  
44 into a dog park. Or if you go and you buy land elsewhere that's cheaper  
45 you know and that could be in a neighborhood. So there's a little bit of gray  
46 area there also as to how are we going to get that fee assessed. So the fee

1 in lieu, once again, can just be an arbitrary number depending on who is on  
2 City Council at the time and what they feel is the best number for us to pay.  
3 Just throwing it out there.

4  
5 Bingham: Remember, the fee in lieu is neighborhood parks. It's going to be in the  
6 subdivisions, which is residential land. There may be times a dog park is a  
7 specialty park, that would be responsibility of the City and would be  
8 unrelated to the fee in lieu. That would be achieved through the impact fee.  
9 So the fee in lieu will be figured based on the development costs for a  
10 neighborhood park in the subdivisions in the residential area.

11  
12 Thurston: What you said there I don't actually read it in here. I don't, it doesn't, read  
13 neighborhood parks, unless I'm not understanding it correctly, but it's not  
14 saying it has to be, fee in lieu is not going to be calculated that way.  
15 Because then it goes on the park fund establishment, a separate fund  
16 deposit at the highest rate, interest rate. By law park funds shall be and is  
17 hereby created the money paid into the fund shall be held basically for the  
18 purpose of purchasing or improving public park and recreational land within  
19 the City. So if what you're saying is for, fee in lieu is for residential parks,  
20 then I would like you to actually add it in there as that's the residential park.

21  
22 Bingham: We will go back and look at that language. But we're talking about the park  
23 dedication vehicle and that is strictly neighborhood parks. And so we'll go  
24 there and see if there's something we can do. Great clarity, but it is, the  
25 intent is, it's neighborhood parks for fee in lieu. Impact fee is everything  
26 else.

27  
28 Thurston: So I agree with you right now, but when we get a new Parks Director, then  
29 they have a different interpretation of it. They might not agree with us now.

30  
31 Bingham: Again, we'll look at the language and note your concern and see how we  
32 can make sure it's clear.

33  
34 Thurston: Thanks.

35  
36 Kaiser: All right. I want to jump back to the beginning of section five. This is section  
37 5-2 page 301. This is roads, right-of-way, and parking. The purpose, nice  
38 lovely paragraph there. But in the middle of it, it says in all transportation  
39 decisions safety should be prioritized to ensure the wellbeing and protection  
40 of every individual traveling within the City. I know my differences between  
41 should and shall would strongly encourage that should become a shall. For  
42 example, I rode my bike here tonight, and it wasn't my desire that I arrived  
43 here safely. I really wanted to arrive here safely, and I think everybody in  
44 the City should be afforded that opportunity. And I think if we're really  
45 serious about solving some of our road safety challenges, we will absolutely  
46 make that a priority.

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2  
3  
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Thurston: What number was that one again?

Kaiser: Sorry. This was on page 301, section 5-2 A, it's in the middle of that paragraph. I have some concern on page 302, section C down number eight, for intersection design. This is around the no fire apparatus shall encroach into oncoming traffic. They already do that. Emergency vehicles do what they need to do to get through intersections, get through traffic. Everybody works out in the end. It's not that big of a deal. I'm concerned that this requirement is going to ensure that every intersection that we ever build in this City will be over built for one purpose and disregard the safety of other road users. The vast majority, or I don't know the statistics, but I'm pretty sure that the response rate to car crashes in the City far out exceeds putting out fires. And here we have an opportunity to reduce the severity and the frequency in which those crashes happen. I think we shouldn't be undermining it just so that we can get our fire truck there faster.

This one section I do have a lot of concerns with. I don't want to really dive too far into the weeds since we are almost 10 o'clock. I think, generally speaking I have, just overall I just don't really feel like the safety part is making its way into the proposed cross sections. I do appreciate that we removed the, or we allowed for road reconstruction. So redoing roads that already exist, having that be outside of this cross section standards, because it does give us the flexibility that we're going to need to be able to solve these problems. So I agree with that. I just, I have a lot of problems with the way that we've got them identified for new roads. Specifically, we've got to get travel lanes to 11 feet. It's in the active transportation plan. You look at all the literature out there, 11 feet needs to be our target, or smaller, particularly on local streets. It's a natural traffic calming measure. It's easy to do. Our emergency vehicles can still get through. We need to get there. We should not be encouraging the use of sharrows, which are the bike lane markings in the middle of the travel lane. They provide no safety to any cyclists. The data supports that. In fact, the, what is considered sort of the brainchild of that particular infrastructure has come out and said that it doesn't work. It doesn't provide any value to anybody. It doesn't improve safety. Now I do believe that it serves a purpose when other traffic calming measures are also implemented. So if you look at bicycle boulevards, for example, those obviously have the sharrow markings, but they're in conjunction with all those other traffic calming measures that make it safe for cyclists. So I agree with them in that context, all the other contexts that should not even be something that we're considering. We should be absolutely setting the standard that our bike lanes are physically protected by something other than paint. So a painted buffer is not protection, particularly on our collector and arterial roads, would like to see that the standard be that there's some sort of physical barrier. If flex posts is the happy compromise with Public Works I'm willing to consider

1 it, but just having a paint that looks like for all intents and purposes another  
2 bike lane, is not going to stop the lifted pickup truck from running you over.

3  
4 I'm also not really sure I understand the transit lane concept. I mean I  
5 understand the concept, but in Las Cruces I just don't know how practical  
6 that is. I think the biggest thing that comes to mind is how are we going to  
7 enforce it? If you look at all the other cities that have attempted these sort  
8 of transit only lane, drivers still use them, they still double park in them, so  
9 unless there's like a physical separation I just don't know how it's actually  
10 going to function.

11  
12 I've lost my place on the cross sections here. Sorry. And then along those  
13 lines, so is the idea that every new arterial, principal arterial road would have  
14 a bus lane, I guess, is that regardless of whether or not there's even a bus  
15 route. So that's just the other general remark. I'm not asking necessarily  
16 for any answers at this moment. But that would just be something, I just  
17 don't see how this would actually play out here in Las Cruces at this stage.  
18 I'm also not a fan of buses and bikes mixing, particularly if there's no  
19 physical separation. Because a driver is just going to see an open lane and  
20 they're going to take it regardless of whether or not there's a cyclist sitting  
21 there. And then also just the passing of buses and transit vehicles. I mean  
22 if you don't have a curb and gutter then, yes, they can, you know the bus  
23 can go wide and get around, but if they do 13 feet you're going to introduce  
24 conflicts there that I think are kind of unnecessary.

25  
26 The boulevard cross section. Currently no bike facilities appear to be part  
27 of that. That needs to get fixed. Same with the avenues. There needs to  
28 be bike facilities. The one big thing that's missing on streets from my  
29 opinion, is we don't have any recommended intersection designs. The only  
30 thing that we talk about when it comes to intersections is clear sight lines.  
31 That's from one point of view. A driver, why if conflict happens between  
32 cyclists and pedestrians at intersections, some of the basics you know the  
33 curb extensions, the directional curb cuts that actually sends you in the  
34 direction you ought to be going as opposed to kind of diagonally out into  
35 traffic, those should be standard in every intersection that we design. I'd  
36 like to see that incorporated since we have sight lines, why not have these  
37 other elements around safety, particularly from nonautomotive users.  
38 March crosswalks always, I mean the amount of crosswalks in the City is  
39 shockingly low. And I know there's this concept of an implied crosswalk,  
40 which makes absolutely no sense, implied to who, certainly not drivers. We  
41 need to have marked crosswalks. That's the standard. That should be the  
42 standard.

43  
44 Thurston: Can I ask a question while you're going those?

45  
46 Kaiser: Yes.

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Thurston: So what the speed limit of like a boulevard? What would the recommended speed limit of a boulevard be? And while you're looking for that, let me give you the reason why. Is because when you are biking, and I bike with my kids to school quite often, but as long as I'm going through a neighborhood I feel safe with my kids, and I even allow them to ride their bike to school. And it's only about a mile and a half from where we live to go. So, but on days like if I need to go anywhere else, I rode from my house, which is somewhere, it's off of Riconada, and I rode all the way over to the veterans park. And it's an electric bike so I am not going to say I'm the bicyclist, right, because it's electric. But I throw my kids on the back and we said, hey, we're going to go today, there's a little party we're going to go to. Well, when the speed limit is 35, 45 miles an hour and all of a sudden you don't have a place to bike. I had my daughter on the back and I just kept telling, hey, look behind us. Tell me. Tell me. So I'm sitting there pedaling as fast as I can, and it's electric bike so we could at least go 20 miles an hour. And then I would get over to the side when she would say, hey, dad, move over. And then we'd kind of go back again because there was no pathway to do it. But the reason I say that is because on a boulevard, if the speed limit is still too high, if it's 45 miles an hour, or if it's, I think if it's 25 or under you might not necessarily need a bike lane. Like in a, like an avenue, you might not necessarily need a bike lane. And on, there's a YouTube video, a YouTube guy called Not Just Bikes. He does a lot of stuff with biking, kind of like that you're explaining right now. And he shows when you can share the road with a bike or share the road with a car and a bike, and when you can't. And I thought that was very, very useful for me in planning and doing developments and things like that. But I also think it does have to do with speed limit. So if a boulevard is fairly slow, it's not too bad. But engineering wise, when we start doing engineering, engineers love space. I mean if they can have more space because more space means more safe. But in reality more space means higher speeds and it's actually not safer. And so a lot of the times smaller, tighter, actually will, the visual speed bumps or visual speed you know calming measures are better. And so I agree with you guys around this one is that there's, everything is wide, everything is big. And there's two factors on that's negative. One, it's great for traffic. I mean if that's the City that we're going to continually be, which we are, we're a car dominant City. But it also causes a lot of money in maintenance of a City. The more asphalt you have, the more maintenance you're going to have. And that's why you see in our budgets that residential housing really is not, doesn't probably make enough tax dollars to pay for all of the upkeep of that subdivision for long, that's why we always try to push it more to urban and other things like that, that we can actually have the tax dollar to provide for it. So sorry, I'm going to let you keep going here. But I do think the speed limit would determine on, if that's okay. Do you have that speed limit on the Boulevard now?

1 Craycraft: We don't have assigned speed limits in the code. That wouldn't be  
2 regulated by the code. But one thing I did want to mention, it doesn't entirely  
3 address the comment, but maybe partially. The 12 foot, they're labeled  
4 multi use path/sidewalks. The ones that are 10 and 12 feet, those are  
5 intended to be a shared pedestrian and bicycle use. So if it was a situation  
6 like kids riding to school by themselves, for example, they would be able to  
7 ride on the multipurpose, excuse me, multiuse path. The bike lanes are, of  
8 course, intended for more experienced riders and things like that, so they  
9 serve a different purpose. But those are available in the boulevard cross  
10 section.

11  
12 Kaiser: Yes. Thank you. I missed that, so I appreciate that clarification. And yes,  
13 I think I echoed the speed limit thing, though I think it's important to  
14 remember that it's the design speed, not just the speed limit. I mean you  
15 could put a sign up on I-10 that says 25 miles an hour, no one's going to  
16 follow that speed limit. So it's very much the design speed that I think we  
17 need to be factoring into these cross sections. You know, do we need 22  
18 feet on a local road with parking on both sides, because most likely there  
19 won't be parking on both sides. So you've got just a natural racetrack going  
20 through neighborhoods. Just because you classify it as such doesn't mean  
21 that that's what's going to end up happening. Wanted to move on to traffic  
22 impact analysis. I'm going to get back to where that was. So this is on page  
23 323. I know in the presentation it was talked about; I think it was talked  
24 about multimodal traffic impact analyzes. But in the draft that I have, that  
25 does not appear to be very explicit. Ao I don't know if, I know at one point  
26 it was, maybe I missed it. Not sure if anybody else has seen that.

27  
28 Craycraft: The multimodal aspect is included in the technical manual, which I  
29 understand you don't have right now to look at that, but that is included. I'm  
30 not sure if there's anyone from Public Works left remaining to speak to that,  
31 but it is included in the tech manual.

32  
33 Kaiser: Okay. Yes, this is one example where it would be really great to see that  
34 technical manual. I guess, and maybe this is in the technical manual now,  
35 I don't know, but in Figure 52-13, page 323 you know we have peak hour  
36 trips. I think we need to specify that the TIA should also include  
37 nonmotorized trip generation, particularly in places in our urban core where  
38 the whole point is to, we're reducing our automobile use. I have never seen  
39 a traffic impact analysis recommend shrinking a road. It doesn't happen.  
40 The whole point of them is to increase the road. That's historically how  
41 they've been. So we need to find and encourage developers when they are  
42 doing this to have the appropriate analyzes that are going to achieve the  
43 end results that we're seeking. I think there also needs to be an emphasis  
44 on local trip count data, the code, the current language references, the ITE  
45 trip generation manual. But I think we need to also encourage local trip  
46 count data and other policies that the City has as these analyzes are being

1 developed. Because again it's not we're just doing the TIA because we  
2 want traffic to flow faster, the TIA is one piece of a larger policy objective  
3 that we're trying to meet. If the goal is to have more walkable, pedestrian  
4 friendly communities, we don't want to then turn around, say, but our TIA  
5 said we need a five lane highway. Well, okay, then what's the point? We're  
6 not a pedestrian oriented development at that point.  
7

8 Going on to this is, well page 324.  
9

10 Thurston: Are you still on TIAs?

11 Kaiser: Yes.

12 Thurston: Okay, good.

13  
14 Kaiser: I'll let you know when I'm done with the thoughts. I only have a couple more.  
15 Under special circumstances, when the Public Works Director may require  
16 a TIA, I want it, I suggest that we add another item which would, and I don't  
17 have the language, I could send some language that I have as an example.  
18 But basically having the ability if there's concerns with that development and  
19 trip generation as it relates to the safety of nonmotorized users. I think that  
20 should also be a trigger point that could trigger a TIA to say, hey, we're  
21 adding, just as an example, the project is going to require a slip lane. Well,  
22 I would argue that that slip lane is going to severely undercut safety of  
23 pedestrians who might be crossing at that intersection. So I would just  
24 recommend adding something along those lines of when a TIA may be  
25 triggered when it's not already required.  
26  
27

28 I think I have one more other comment on TIAs. Give me one second.  
29

30 Thurston: While you're looking that up, can I go on TIAs?

31 Kaiser: Yes. Go ahead.  
32

33 Thurston: All right, so I'm on C and D on page 324 which would be, what, 5-2 G3C.  
34 On the following, on the previous page it also says, the following provides  
35 specific situations where a TIA shall be required. On C it says building  
36 permit. So is that meaning that every time I pull a building permit anywhere  
37 I'm going to have to put a TIA. And then driveway permits, development  
38 plans. I think it's requiring us to put a TIA in way too many spots in that  
39 specific one. I just, I also had a couple people call me and also say, hey,  
40 can we please bring that one up because I think it's asking for a TIAs way  
41 too often. And TIAs are fairly expensive. So when you do have to go out  
42 there and you, if it's something simple, a building permit that we don't need  
43 a TIA, but this is requiring that we have it on basically all of them. So I just  
44 wanted a clarification on that one.  
45  
46

1  
2 Craycraft: Just to be sure I'm understanding your comment. So on G 3C, building  
3 permit, driveway permit, or development plan, it's saying a TIA is required  
4 for any building permit, etc, if the project meets the requirements of the table  
5 on the previous page. So it wouldn't be for any building permit, it would only  
6 be if it met the ...  
7  
8 Thurston: If it only needs that ...  
9  
10 Craycraft: Trip generation. Yes, not necessarily for any building permit.  
11  
12 Thurston: Okay. And then the other one on D, it gives the, basically the Public Works  
13 Director any opportunity whenever they basically want to require a TIA. And  
14 don't know if that's a good thing or a bad thing either. That was something  
15 that was just brought up. What it'll end up doing is we just might have to  
16 have a TIA on every single project that we do, if it's left up to them. That's  
17 all I got on TIAs. Back to you.  
18  
19 Kaiser: I'm done with TIAs. Move on.  
20  
21 Thurston: I'm sorry. Can I add one last thing?  
22  
23 Kaiser: Yes.  
24  
25 Thurston: Okay, I'm just, and kind of regards to TIA. What I'm looking at is the traffic  
26 calming device, and it refers to I believe on 311, let's see, or excuse me, up  
27 at the top of 312 about the traffic calming device. And it talks about the new  
28 development shall implement traffic calming measures as required in the  
29 traffic calming section of the technical manual to which we have, are aware  
30 that we are not able to see the technical manual just yet. However, the thing  
31 that I was curious about there is just like kind of the post review of traffic  
32 calming stuff. I know you know for instance in our planning and zoning  
33 meetings it often seems to come up about places of congested traffic,  
34 ingress, egress, as we get to whatever situation we may be handling that  
35 night. You know other parts of that area that have you know issues with  
36 traffic come up. I don't entirely know where, you know maybe a TIA in this  
37 situation could potentially be initiated, or how some of that feedback could  
38 be handled. You know I guess in the post end versus instead of I guess  
39 we're not necessarily able to do so much beforehand, especially you know  
40 change like this, so I don't know where we are addressing that and if that  
41 traffic calming you know potential adjustments that we need to be making  
42 in the future, how that even gets put in there?  
43  
44 Craycraft: There's a provision in the technical manual about traffic calming and some  
45 situations where, based on the speeds that are monitored, how much over  
46 the posted speed limit cars are traveling, what traffic calming measures are

1 appropriate to implement, whether they're temporary or permanent traffic  
2 calming measures. But those parameters are established in the technical  
3 manual for retroactively installing traffic calming.  
4

5 Thurston: And is that subjective to like the traffic, the TIA director or how, exactly, I  
6 guess in whose objective, subjectivity is that in relation to, in terms of, I know  
7 you had mentioned the points of you know speed thresholds in the  
8 neighborhood that are being crossed, like, what is going to initiate some  
9 examination where we get hard data on this neighborhood that people are  
10 complaining about, for instance, like McClure, or some of these other streets  
11 we've, countless streets here in town that people have you know mentioned.  
12

13 Craycraft: I believe there is a process outlined where if a neighborhood wanted to  
14 request a traffic calming measure be installed how they could request it.  
15 And then I think that also relates to the speed limit thresholds that are  
16 established for what's the appropriate calming to include. But all of that  
17 would be I believe overseen by the Public Works Director.  
18

19 Thurston: Okay. And that would be referred to in the technical manual or the process  
20 that we would you know tell somebody that they need to go do if they want  
21 to complain about that in some separate thing. Okay, got you.  
22

23 Craycraft: Yes.

24 Thurston: Thank you.  
25

26  
27 Thurston: On page 312 that you were just at, traffic calming, I have a note here for  
28 alleys. And it is B where the average width along a block face average is  
29 40 feet or less, the lot shall be rear loaded with alley access. Exceptions is  
30 townhome lots, townhouse lots may be narrower than 40 feet and front  
31 loaded. So if I understand this right, if we do a single-family development  
32 and I go a 40 foot wide lot, or if I go smaller than that, I have to put an alley.  
33

34 Craycraft: Yes, I believe that's how it currently reads, unless it's a townhome.  
35

36 Thurston: Does that inhibit some of our design abilities to not have attached products?  
37 So if I can find a way to get a 35 foot lot, but I still have a, you know that  
38 would probably end up coming down to a 25 foot wide home, it would have  
39 to come from an alley. Is that what I'm understanding?  
40

41 Kaiser: Yes. From my perspective I think and staff correct me if I'm wrong, but the  
42 objective in that situation is that the frontage of your house is not your  
43 garage. That you have a front door you know, so I think that's, at least that's  
44 how I read it. But you would want something other than just people's  
45 garages.  
46

1 Thurston: Unless you do a townhouse.  
2  
3 Kaiser: Unless you do a townhouse.  
4  
5 Craycraft: Correct. So there would be some amount of front yard, actually in the front  
6 yard, it's not all entirely driveway. Another consideration that could be at  
7 play is if there's on street parking, so making sure that there's enough room  
8 for a car to park between where driveways are whenever it gets into the  
9 narrower lots.  
10  
11 Thurston: Okay. But that's only under 40 feet.  
12  
13 Craycraft: Correct.  
14  
15 Thurston: All right.  
16  
17 Gonzales: Mr. Chair and Commissioner. I would also say you know this is just saying  
18 if you were to put alleys into your development these would be your  
19 standards. This isn't saying you have to put an alley into your development.  
20 If you put them in, this is what we want to see for those alleys. that way we  
21 can actually circulate traffic properly. So this is not saying you have to put  
22 them in. This is just saying they are permitted in any new development. So  
23 if you choose to use them, this would be your standards.  
24  
25 Thurston: Okay.  
26  
27 Gonzales: I'm not saying they're required.  
28  
29 Thurston: Are you sure about that?  
30  
31 Gonzales: Yes, it just says alleys are permitted in all new development. It doesn't say  
32 they are required in every development.  
33  
34 Thurston: Thank you.  
35  
36 Gonzales: I think we're good.  
37  
38 Thurston: I agree with you now. Thanks.  
39  
40 Kaiser: Okay, I wanted to move on to, I think this is, so I think we're in a new section,  
41 street lighting. This is on page 326, 327. On 327 under four, so this would  
42 be I4, this is basically the required placement of street lighting. I would like  
43 to or suggest that we add to this list any location of pedestrian or cyclist  
44 crossing/trail crossings, in those instances where you have maybe a  
45 midblock situation to require some sort of lighting there. If it's at an  
46 intersection you're obviously covered because it's an intersection. But we

1 do have situations, and probably we'll have more of them, just want to make  
2 sure that that's captured. And then going to the next page 328, this is I  
3 guess the section under street lighting requests that starts on page 327.  
4 But under says B6, E5 I think is correct. It's street lighting may be installed  
5 along local streets when traffic volumes, nighttime crashes, nighttime  
6 pedestrian use, and/or roadway hazard show a need for improved lighting.  
7 I have a little bit of heartburn with the fact that we're going to study where,  
8 how many pedestrians might be using a place deemed not safe, and  
9 therefore they may avoid. So if we're out there saying, well no one crosses  
10 the street here therefore we don't need a streetlight. I mean you don't build  
11 a bridge where you see people swimming across the river. So it just seems  
12 like that particular data point probably should not be the basis for which you  
13 would install lighting.  
14

15 I think just a general comment. There's a lot of mention of the MUTCD. I  
16 think we should be referring to NACTO instead. There's a lot of concerns  
17 that MUTCD doesn't really address safety concerns in the way that it ought  
18 to, and NACTO is a better resource.  
19

20 And then, so I'm just kind of moving forward here. So moving on to page  
21 332, this is the timing for sidewalk construction. And I appreciate the fact  
22 that we have a mechanism to fill in sidewalk gaps, particularly in our larger  
23 subdivisions with that time on window. I think three years is too long,  
24 perhaps something halfway in between seems more reasonable. I think it's,  
25 we build the road from day one, why do I got to wait three years to get a  
26 sidewalk? I think we can kind of compress that from three years to 18  
27 months. And this is under on 332, 6A2.  
28

29  
30 Thurston: 332. Where was that one at?

31  
32 Kaiser: I'm sorry.

33  
34 Thurston: For you, where are you at on that one?

35  
36 Kaiser: Sorry, 332, number 6A2.,  
37

38 Thurston: I guess my point on that is just going to Sonoma, example, subdivision's  
39 built in 2005, there are lots that are undeveloped, and you reach out to the  
40 owners and they say they're not selling. And sometimes you can't find them.  
41 So I think, yes, we want to have complete sidewalks, but at the point in time  
42 that they, I don't know, can you compel them or impose a fine on them to  
43 build a sidewalk and then have to potentially tear it up once they decide to  
44 build on that. Partially, I think that comes to a roadblock maybe potentially.  
45

1 Kaiser: Yes, I mean we heard that concern in the technical advisory committee  
2 meeting. The way I look at is if you damage the asphalt on the road you've  
3 got to repair it, so I mean it's kind of the same thing. I mean sure there's a  
4 risk you damage your sidewalk, but I don't think we should have gaps in our  
5 network just because it might get dinged. But the homeowners then  
6 responsible for also repairing just like they would anything else in the public  
7 right-of-way.  
8

9 Thurston: I wouldn't say dinged, but more that you're going to have a 25 foot portion  
10 where you're going to have to put the driveway, assuming that there's a  
11 driver with a garage and whatnot, so they would basically pay to install for  
12 a sidewalk, then pay to tear it up to then put it back. If that makes sense/  
13

14 Kaiser: I understand what you're saying. My preference is to have the sidewalk.  
15

16 Thurston: In construction, they tear up everything. So if I have a sidewalk in front  
17 before I start to build a house, that sidewalk is going to become damaged.  
18 And in order for me to put a sidewalk in, I have to get the City to come out  
19 and inspect my forms to make sure that I'm the right thickness, right. But  
20 then right where those forms, where that concrete is right now I still have to  
21 come back in and dig and get my sewer connection that's right there, I have  
22 to dig to get my water. The water is already there. But there's a couple  
23 other utility that we have, well mainly just the sewer, but we will end up  
24 tearing up that sidewalk. Three years I think is adequate because if we go  
25 in, we have 221 lots and it took us almost three years. So that was about a  
26 40 acre parcel. And when you see some of the bigger builders out there,  
27 they are buying up you know a 200 lot subdivision at one time. Now, it might  
28 take them the three years to get through it. So if you're going to, if you  
29 change that to a year and a half, and I'm building and I'm halfway through  
30 it, and now this kicks in, and because of the code I have to come out here  
31 and put all of it in. I like the idea of having the connectivity. But when you  
32 get volume builders, they try to build them in streets at a time, right. So they  
33 try to build out that street instead of, because you don't want your  
34 homeowner being right next to the construction. So you try to say, okay, if  
35 I got 15 of these houses, I'm going to try to build them all out, get all the  
36 construction done, and then go to the next street. But if the market slows  
37 and other things like that, there's going to be no one in that subdivision to  
38 use that street or that sidewalk anyways. So I like the three year. It does  
39 give you, unless you can put a provision in here you know but then it  
40 becomes a little bit harder to follow. I like the three years only for that  
41 because if it does, it's more the onesie, twosie guy that you're seeing you  
42 know instead of production building that's in there to doing something.  
43 They're normally trying to get in and trying to get out and produce a volume  
44 of houses. But it's the guy that buys the one lot, and then they say, hold on  
45 a sec, because I had enough cash to buy this lot, now you got to give me  
46 five more years. Now in that instance I could see, okay, everyone else

1 around them has built it up. So then the three years kicks in and you're  
2 saying, hey, I don't know if you're going to take another five years to save  
3 up enough money to do the rest so maybe you should have to kick it in. So  
4 I don't, I would caution us to make it shorter than three years.  
5

6 Murray: So I guess my question for City staff is, if that is what we're proposing here,  
7 are you then going to go out and find all those lots say in Sonoma, Calle  
8 Belleza, for example, where there's like, two vacant homes that don't have  
9 the continuous sidewalk. Are you going to send codes out there, identify  
10 these properties, then try to reach out to the owners to then build the  
11 sidewalks so that we have complete neighborhoods with sidewalks. Is that  
12 kind of what this is then proposing to get there is my question.  
13

14 Gonzales: Mr. Chair, Commissioner Murray. That would be correct. The idea is the  
15 City, I want to say it was four or five years ago, we did basically the sidewalk  
16 gaps and identified all of these areas that were built in 2006, 2007 that left  
17 all these gaps. And so in order for us to no longer have those gaps with  
18 developments that are coming in, it now gives us the right to say that these  
19 have to be built out. And so yes, codes would go out, notify them, give them  
20 a time frame in which they would need to come into compliance with the  
21 current code as it's adopted.  
22

23 Murray: Okay. So say we have a development in 2006 and they have just sat on  
24 that land forever. Would you give them like three years from the time that  
25 this is adopted to then comply, or since they've been sitting on it for 10 plus  
26 years they then have to comply immediately?  
27

28 Gonzales: Mr. Chair, Commissioner Murray. We would have to accept the three years  
29 as to when it's adopted. Because this would be the first time that they would  
30 be notified. This is something going into code, and so it's from the adoption  
31 date.  
32

33 Murray: And it's not to say if they don't have the funds or the means to build the  
34 house at the time that they need to do the sidewalks, they can plan in  
35 advance to try to get the utilities under the sidewalks and the rough location  
36 of the driveway so that once they build the house they don't have to  
37 demolish it and tear up the sidewalk in theory, is that possible? And if that  
38 is possible, would they need to have further like building permits or  
39 construction things pulled from the City in order to do that portion?  
40

41 Gonzales: Commissioner Murray. Any improvements done to a property would require  
42 any of the building permits that are necessary. Because we definitely don't  
43 want infrastructure going in that hasn't been inspected in some form, and  
44 then putting it as a safety hazard for the pedestrians who may be using it,  
45 or for the site itself. So if there's any utility connections, if there's any cap  
46 outs, we'll make sure that those would be inspected to show that they're

1 capped out until the development actually takes place. Sidewalks would be  
2 installed meeting City standards so that way they're, at some point if they  
3 do have to be removed, then they're removed, but if they are actually putting  
4 their utility infrastructure in, we already have them in place and they meet  
5 code.  
6

7 Kaiser: All right, moving along. So actually in the next section in off street parking,  
8 the (*inaudible*) at the gate again, saying all new development shall provide  
9 off street parking. But that's not true. So I think we can be a little bit more  
10 up front about where that is required or is not.  
11

12 I have just a general concern, this is on page 335. This is also off street  
13 parking, but gosh this is, well page 335 under off street parking, there is the  
14 ability to up to 40% of required parking spaces may be provided on property  
15 separate from the property served. I'm not sure if that's in relation to like a  
16 parking, shared parking agreement, but the way I initially read it, I  
17 interpreted that as like you could go buy the neighboring parcel and build  
18 your parking lot or build additional parking on an adjacent lot. And I don't  
19 know if that's the right interpretation, but I would say if it is I'm not in favor  
20 of that. I don't know staff if that is how you were interpreting it, but.  
21

22 Craycraft: Yes, that is the correct interpretation. So the property owner could own the  
23 adjacent property and have their parking in the adjacent property.  
24

25 Kaiser: Okay. Yes, I would strongly encourage that we don't have free standing  
26 parking lots. I think it, we have enough parking in the City, we don't need  
27 to build more of it. There was just a recent example downtown, where a  
28 business built additional parking and that's taking away unfortunately, prime  
29 real estate for other services that could be developed. So I think this  
30 actually may address one of the comments that came out of public  
31 comments this evening, but further down on the page, under five, bicycle  
32 parking standards, there's the minimum required and it looks like it's only  
33 contained within our urban characters and our overlay. I'm not sure if that's  
34 accurate. But my only comment there would be I think bike parking should  
35 be per the table that we have, should be required everywhere. I don't think  
36 it should just be restricted to our urban centers. Yes, go ahead.  
37

38 Thurston: I don't know if I agree with that, only because we're still such a car dominant  
39 place, and some areas, well I guess it's kind of twofold. You need it so that  
40 people will use the bike but then on the other hand if it's not safe to get to  
41 the area, you won't ever need it anyways. And so in the growth of going for  
42 bikes, which I like going that way, it's hard to implement the bike in our  
43 society today with the infrastructure that we have and the way that our City  
44 is built. And so it's easier for us to just be able to like you know have a clean  
45 slate and then put all that in. You go to Amsterdam, you go to other places  
46 like that that you're seeing and they have a great pedestrian network, they

1 have a great biking network, they have all of that stuff. But that's because  
2 they've had stuff in play for 30 years. So I think it's a good idea to put some  
3 of this in here so that in 30 years, we'll get there, right. But, and also we're  
4 going to have to stop being such a car dominant society. But to, if it's  
5 required in here and someone's putting, we don't have parking or a pathway  
6 to get there safely, we're just causing more people to put more cost on a  
7 building or other things like that. But i don't know I can go kind of both ways  
8 on that though.  
9

10 Murray: Adding to that point too, I think you personally can only change your views  
11 or opinions or how you want to move forward, but you can't change those  
12 of others. One example that I had is that I was doing an open house at  
13 Heritage Farm which is right next to NMSU. Individual comes in and says,  
14 I work at the University. I'm like, oh my God you can walk or bike to school  
15 or to your job every day. And she's like, nope, I rather just drive. So I think  
16 that's also the other thing that you have to take into consideration, too, that  
17 some people just are resistant to traveling other ways than a car.  
18

19 Thurston: I do agree with it being on all urban though. I think that's a great, because  
20 that's where most of it's probably going to get used right now.  
21

22 Kaiser: Yes, I understand the points that you all raised. I guess to the point that  
23 you can't change everyone's behavior. I'm not naive to think that that's the  
24 case, but every place has a parking spot for a car, and if I choose to ride  
25 my bike I'm out of luck. I don't think it's that expensive to install biking. If  
26 you look at the requirements, it's almost, I'm just picking a random thing  
27 here, a retail store local, if it is required to have parking, it's one space for  
28 400 square feet, and the bike parking is one bicycle spot for 3,000 square  
29 feet, which I believe a retail store local is capped at 3,000 square feet, which  
30 means they only need one bicycle lock. I don't think that cost is really  
31 significant in that situation.  
32

33 Murray: No, I agree with you there. I think the cost for your installing the bike parking  
34 is not expensive. However, redoing the road work to be able to bike safely  
35 is not going to be, it's going to take 30 years to get to where we want.  
36

37 Kaiser: Point taken. But there are people who ride their bikes whether it's safe or  
38 not. So I think giving them an opportunity to do that it's, people choose to  
39 drive their cars and they have a parking spot waiting for them. I think the  
40 same thing should be true for someone who chooses to bike.  
41

42 Just trying to make progress here. One, this is just an overall comment on  
43 the formatting of this section, particular. For parking lots we have all these  
44 design standards, but then with landscaping we punch you to a different  
45 section. I think if we can just combine everything for parking lots. If you're  
46 going to build a parking lot, you just go this spot in the code and you have

1 everything there for you as opposed to then going for your landscaping  
2 requirements to a different section. I think it would just be an easier way to  
3 read the document. And then that would leave the landscaping  
4 requirements just for the non-parking lot stuff. I think it would just be  
5 simpler.

6  
7 Murray: I have one quick question, mostly for Sara, going back to the sidewalk issue.  
8 Not really concerned on new developments because they're building there  
9 actively, but more focused on, ore the question is focused on those  
10 developments that have been, their sitting on their lots for 20 plus years.  
11 Say they are served the three year notice to provide the sidewalk, and then  
12 they elect to sell the property. Once the new person comes in, do they have  
13 another three years? Do they need to comply to that like once they get the  
14 transfer of the property? How would you respond in that situation?

15  
16 Gonzales: Mr. Chair, and Commission. It's going to be based on the actual property.  
17 It's not based on the owner. So if you continue to sell the property, if it  
18 continues to change hands, that would be one of your exceptions, or  
19 something that needs to be discussed at those closings as knowing that as  
20 part of our development code. We've reached out to our realty community.  
21 They understand that these are code revisions that are going through and  
22 so that expectation would be able to provide that as part of people's closings  
23 to have those understandings of where we're trying to go as a City when  
24 you own and purchase property.

25  
26 Murray: So basically, just to clarify, if the property sells within that three year period  
27 they have until that end of that three year period to comply, whether that is  
28 building the home and then putting the sidewalk or just putting the sidewalk  
29 until they decide to build.

30  
31 Gonzales: Commissioner Murray. That would be correct. Yes.

32  
33 Thurston: I just have three left, and I'm done for the night.

34  
35 Kaiser: Okay, I've got a couple more. These should be relatively quick I think.  
36 Trying to find those specific spots. So this is, it was related to, I think it was  
37 related to green infrastructure. Just double check. Yes, okay, so page 363.  
38 This is the low impact development green infrastructure section under D1,  
39 it says green infrastructure/low impact development elements cannot be  
40 double counted with other City requirements, for example, landscape  
41 elements that are already required by code. I have a little issue with that  
42 particularly, or I guess specifically as it relates to like tree wells. Like you  
43 could sink your tree well, right that would serve as a bio swale, which would  
44 be a low impact development. But that tree well is being also required in  
45 your landscape requirements. So according to this statement, that tree well

1 would not count towards my landscaping, correct, because I made it a bio  
2 swell.  
3  
4 Craycraft: The idea in that case by including the low impact development or green  
5 infrastructure controls, by doing the sunken tree well, that would be  
6 considered going beyond the minimum requirements. So in that case, I  
7 think it would count. The tree wouldn't count if you're required to do the  
8 tree, the tree well in general doesn't count, but if you do an enhancement to  
9 the tree well ...  
10  
11 Kaiser: Got you.  
12  
13 Craycraft: To implement green infrastructure controls, then that would count.  
14  
15 Kaiser: Got you. Okay. Thank you. And then with, so that statement would also  
16 hold true if you did like a larger retention where you landscaped it with you  
17 know native species. So rather than just dig a hole and it just sits there as  
18 dirt or rock, you landscape it, that would also count towards your  
19 landscaping requirements. The length, so that the hole itself, the thing that's  
20 retaining the water, that's your green infrastructure, but then you're planting  
21 it to be more green infrastructure, you wouldn't then have to then go do  
22 additional landscaping on your site. Is that, am I making sense?  
23  
24 Gonzales: Mr. Chair and Commission. That would be correct. We are actually  
25 encouraging developers to when they have a chance to use the ponding  
26 essentially area and plant into those vegetations, because they will obtain  
27 that natural water, that is going to be counting as part of their landscaping.  
28 We're not asking for additional. We want them to use those as areas.  
29  
30 Kaiser: Yes. Okay. Great. And then if they chose not to landscape it, that's when  
31 they wouldn't get, because it's just a different hole, right, so that wouldn't  
32 count towards their landscaping.  
33  
34 Gonzales: That is correct. Because there is criteria as to how many trees or shrubs  
35 that you have to implement in order for it to count for landscape.  
36  
37 Kaiser: Got it. Okay. Thank you. Okay. I think that, just a question on tree  
38 preservation. So this would apply to all trees citywide, or just like a  
39 subdivision, like a new subdivision. So in other words as a homeowner I  
40 have a gigantic mulberry tree. It's probably 70 years old and eventually  
41 needs to come down. That would be covered under this section.  
42  
43 Craycraft: Correct. All existing trees and in any subdivision whether it's new or an  
44 existing subdivision.  
45  
46 Kaiser: Got it. Okay. Thank you.

1  
2 Murray: Any tree bigger than two inches in the entire City, you will have to get a tree  
3 removal permit.  
4  
5 Kaiser: That's what it says.  
6  
7 Thurston: So that was one of my one of my tags out of the three left. We don't currently  
8 have this in our code today, I would wish we just strike that one out.  
9  
10 Murray: I guess what's the reasoning behind having that in the first place? Is it to  
11 get more money from tree permits? Is it to preserve trees or natural  
12 shading? Is there a specific reasons why we're adding that now versus why  
13 it's not in the current code?  
14  
15 Craycraft: This came out of a recommendation of several of the City's different plans.  
16 There are several recommendations about increasing the tree canopy  
17 citywide, supporting cool corridors. Do you have additional comments to  
18 add?  
19  
20 Bingham: You're doing really good.  
21  
22 Craycraft: Thank you.  
23  
24 Bingham: This is about meeting tree canopy. And for example there's a study in  
25 Denver that identified in two areas that should be similar in temperature.  
26 One had a deficit of trees, the other one met you know expected standards,  
27 and there was a nine degree temperature difference. And so I think this is  
28 about being green. This is about you know a lot of different things related  
29 to trees. I think one of the things we need to do is look at the size  
30 requirement that is here and just review this before the next meeting. But it  
31 is not uncommon for communities to have some requirement that if trees of  
32 a certain size have either a permit to remove or you know number of  
33 remedies. And it's also not uncommon to exempt those for like developers  
34 in construction. And so let's go back and look at that.  
35  
36 Kaiser: Yes, my experience has been, my first internship in college in the City  
37 planning department was basically reviewing tree removal permits. I'm very  
38 familiar with that process. In that case, we had two tiers. So maybe some  
39 things are to think about of below a certain, between two inches and  
40 something, it's you know less of a big deal versus it's the massive trees that  
41 are really giving us that shade that is a different either fee structure or  
42 whatever. So that's one way to approach it. But we wouldn't be the first  
43 city to implement something like this. They're pretty common across the  
44 country.  
45

1 Thurston: In here, there's a, trees that are not exempt from preservation are  
2 considered protected trees. Where is that provision? Where's that list of  
3 protected trees? Or is that just literally anything over two inches?  
4

5 Craycraft: A protected tree is anything that's not listed in C, so the larger than two  
6 inches, a diseased tree, one that's causing a safety hazard, if it's being  
7 grown as part of a tree farm, or if it's listed by the State Department of  
8 Agriculture as a noxious species, so undesirable or invasive plant. So if  
9 you're not one of those, then you would be considered a protected tree.  
10

11 Thurston: So this allows like mesquite trees that aren't native to our land here. I've  
12 been told. And what were the other one on the river?  
13

14 Bingham: Cottonwood.  
15

16 Thurston: So you got cottonwoods. You got other. So if, as long as it's not, as long  
17 as the New Mexico Department of Agriculture says it's a noxious species I  
18 can cut it down no matter what.  
19

20 Craycraft: If they say it is a noxious species.  
21

22 Thurston: Okay.  
23

24 Craycraft: Then it can be cut down.  
25

26 Thurston: Okay. But this is going to, now what's the ramifications of someone in the  
27 City that just cut my own tree down?  
28

29 Bingham: I guess another point there is, I guess education needs to be provided to  
30 the city otherwise, we're going to get into the, oh, my God. I didn't know  
31 that that was now a requirement and then they get a fine or whatnot.  
32

33 Thurston: And the additional part that I would say, I mean considering we saw this  
34 with, you know in other places, yes. The number two there on C for  
35 exempted trees, the dead or diseased tree which is deemed beyond point  
36 of recovery, deemed according to who? You know if I've got some two inch  
37 tree there you know I'm calling that thing dead, throwing some bleach on it,  
38 chopping it off and not getting my permit, you know what I mean kind of  
39 thing. So how do we you know really kind of not let the workaround be a  
40 workaround if that's what we intend I suppose. But I guess at the same time  
41 it also strikes me that you know you can let the weeds go for a little while  
42 and have some two inch trees sprout up in your yard like that. And so those  
43 are just places where of course I know you already talked about the size  
44 threshold but just concerns.  
45

1 Craycraft: For the protected trees that are removed, that would be a tree removal  
2 permit. That can be approved by the director. And if you do keep a  
3 protected tree, it counts toward your landscaping requirements. If you don't  
4 want to keep the protected tree, you can still cut it down. But the idea is in  
5 item E that it would be replaced by a new tree somewhere else on your site  
6 if it was in some place inconvenient for development. So it's not that you  
7 can't cut it down at all, you can, but the City would like you to replace it  
8 somewhere.  
9

10 Thurston: Is this tree preservation really necessary? Because in the landscaping, so  
11 to your point there Steve, in the landscaping I'm supposed to put trees and  
12 other stuff like that anyways, right. And so if I do a new subdivision, if I do  
13 a new, if I get a new building permit, if I up, if I change things, I'm going to  
14 have to modify the landscaping anyways. And then that, modifying that  
15 landscaping I'm going to have to make sure I'm up to date with the current  
16 landscaping code. So I'm going to still receive the shade from the trees to  
17 get my nine degree difference whether I have this tree preservation or not.  
18

19 Craycraft: For the credit that you would receive for preserving one of the protected  
20 trees toward your landscaping requirements for the site, in D2 we say that  
21 it's credited toward the landscaping requirements, with each preserved tree  
22 counting as three trees. So the idea would be to incentivize an existing tree  
23 on the site that's probably more mature than the new trees that would get  
24 replaced. So there is an incentive. It's not necessarily a one to one  
25 replacement by a preserved tree compared to a new tree. So there is kind  
26 of a tradeoff there.  
27

28 Thurston: I think that's the only one I agree with you on is the D. Like maybe we  
29 should, if it was me I would just cross out all of this tree preservation and  
30 then put the only one is, is protected trees may be credit towards  
31 landscaping requirements so that we would see you know people trying to  
32 leave a tree. But I mean that's just natural in someone that's going to, I  
33 already have a big tree here on my parking lot I don't want to cut it down. I  
34 don't need an incentive, like I don't need a tree preservation to tell me to not  
35 cut it down. In the world like realistically is what I was, at least that's my  
36 thoughts. Maybe I shouldn't say realistically. I should say my viewpoint is  
37 I would leave a big tree. And if you're going to give me credit for my  
38 landscaping so I can leave the one tree and I don't have to put three more,  
39 I mean, that's, you know I'm going to do that. I don't need a tree  
40 preservation; I would still cross this whole thing out personally.  
41

42 Kaiser: I think if everybody came to the same conclusion that you did, we wouldn't  
43 need a tree preservation ordinance. I have no further comments on any  
44 other parts of the code. So does anybody else have anything else have  
45 anything else?  
46

1 Thurston: I just have my last two and then I'm done. In page 310 which is cul-de-sacs  
2 and dead end streets, A, so it's at the very top. My question is, can you  
3 help me understand when I could use a cul-de-sac and when I can't?  
4

5 Gonzales: Mr. Chair and Commission. Cul-de-sacs have always been the least  
6 connecting point in any subdivision. It doesn't connect you to anywhere. It  
7 doesn't provide options for pedestrians; it doesn't give you the connectivity  
8 between subdivisions. And so the City has always discouraged cul-de-  
9 sacs. I understand they are a great selling point, as those become the prime  
10 lots that people most want to live on. We understand that portion, but it  
11 doesn't give us the connectivity that we looking for. And so rarely will we  
12 use cul-de-sacs, or have developers use cul-de-sacs, except for like, we've  
13 seen them at the boundaries of possibly the City limits because we know  
14 we're not going to be able to connect if it's going to have to go through the  
15 county and their developments may not be the same. We tend to see them  
16 in subdivisions used very like sporadically, but you're not going to see them  
17 as the common nature. And so there's no real design element saying it's  
18 going to be okay to do in all of them. They are discouraged as they do not  
19 provide the connectivity that Elevate Las Cruces said we wanted to start  
20 using. We're trying to encourage that subdivisions interconnect so that way  
21 we don't just have walls and boundaries set between subdivisions and  
22 people have more ways to get around in a subdivision.  
23

24 Thurston: So as a kid, growing up I lived on a cul-de-sac. And the cul-de-sac was the  
25 place that all of us went and played street hockey, and we put the basketball  
26 hoop out there, and we played baseball, and we did all of those wonderful  
27 items that provided the street was still a safe place to play, because it was  
28 a cul-de-sac and it provided other things. And you can, you see in all the  
29 Hallmark movies and all the other ones of cul-de-sacs in the gathering  
30 areas. And you know so I like cul-de-sacs. Always have liked cul-de-sac.  
31 I lived on, now, when I, our first house that me and my wife had was not in  
32 a cul-de-sac. And once we started having children we quickly moved from  
33 there, because our kids would run out in the street and we would be running  
34 after them as fast as we can. So when you got a little three year old that's  
35 out there, we moved. So I just like cul-de-sacs. I like the safety of a cul-de-  
36 sac. I like the design factors of the cul-de-sac. And as a builder and a  
37 developer, they sell, they're always the ones that sell first. So that's just, I  
38 would love to be able to put cul-de-sacs in there with less restrictions than  
39 you have on there right now. Anyways, that's my, I'll leave that with you.  
40

41 My very last one...

42  
43 Kaiser: Before we move off that. Just real quick. On the pedestrian cut through  
44 component of cul-de-sacs. Can we, I don't know jazz up the 10 foot  
45 pavement requirement to have a little bit of landscaping. I know when the  
46 developers come in they do those cut throughs. It's literally just a canyon

1 of concrete and block wall. We were just talking about urban heat island  
2 and that's definitely the definition. And I know right now I think it just says  
3 that it has to be a paved, 10 foot path. But I think if we can add some  
4 requirements for some type of landscaping would be beneficial. So back to  
5 you.  
6

7 Thurston: Very last one, landscaping, 5-7, page, 373, C3.2. This one's just random to  
8 me. Turf, other than native grasses identified on the approved plant list is  
9 not permitted. What is that? What is, can you clarify what I can and can't  
10 use? So is this saying that I cannot use turf like just regular grass for  
11 landscaping?  
12

13 Craycraft: The City has an approved plant list now that includes different trees and  
14 shrubs and ground cover and different types of grasses. This is specifying  
15 that the only, it's a little bit redundant because we're saying all plants have  
16 to comply with the plant list, but just specifying that ground covering, turf,  
17 grass needs to be a type that's included in the City's approved plan list.  
18

19 Thurston: All right, do you know if Bermuda is included in that?  
20

21 Bingham: I would hope so, yes. It's going to be your primary turf in this community.  
22

23 Thurston: Okay.  
24

25 Craycraft: I don't know offhand. It is in the tech manual, but the City has the existing  
26 list, and the existing list has been moved there in case there are updates  
27 that are needed over time. So it's whatever the current list is, is still the  
28 requirement. We didn't make any changes to the types of grass.  
29

30 Thurston: Okay. Because I just read this as other than native grasses. And so native  
31 grasses, Bermuda is not really a native grass, it's, I'm thinking more like the,  
32 when you go out in the desert here you see like a little clump, I don't know  
33 what type of grass that is, but it's a little clump that grows up, and then you  
34 got another little clump somewhere else that grows up. Don't know what  
35 grass that is, but that to me is native grass. This to me is more like, when  
36 it's a turf it's like, okay, that's a play field, that's an area that I'm going to  
37 mow, I'm going to do stuff like that. And it doesn't seem like that's allowed  
38 for me to put a.  
39

40 Kaiser: I think it's trying to move away from like the little strip between the back of  
41 the curb and the sidewalk that you can't plant that with a lawn because it's  
42 not really serving a purpose, you're just watering the heck out of it. So I  
43 think that's the intent. You can't take a patch in your corner of your parking  
44 lot and make it turf, unless you're building a ball field or something like that,  
45 then you have to use native, I think what it's attempting to do.  
46

1 Thurston: Okay.

2

3 Kaiser: All right, any final questions, thoughts?

4

5 Bingham: We'll look at that list, and we'll get that over to you. I do want to go back to  
6 one comment. I like and appreciate the thoughts around landscaping on  
7 those paths between you know the homes and the cul-de-sacs. I think  
8 typically they do not require landscaping on them, because who takes care  
9 of them? What typically ends up happening is none of the neighbors, or  
10 you know one of them takes care of the ones next to them. But those type  
11 of spaces tend to be neglected and abandoned. And so all I'm all for the  
12 beautification. You also have the other side of, now either put a burden on  
13 you know your City departments to go maintain land that is not really theirs,  
14 and it's not easily put into the schedule because it's such a small space. So  
15 I would advise against that just because you know if there's a wall there it  
16 becomes neglected.

17

18 Kaiser: I certainly wouldn't disagree. And I know it's late and we're trying to get out  
19 of here, but I think, my counterpoint to that statement would be, well then is  
20 that really what we need to facilitate pedestrian connectivity? Because if it  
21 does get neglected, fills with trash, fills with debris, fills with, it's not, people  
22 avoid places like that for reasons, right. I mean watch a scary movie.  
23 There's a reason why you don't run into the corner. And I just think when  
24 you build this kind of cavern, this alley where, you know I'm a white male, I  
25 don't really have concerns for my safety, but I know that there are other  
26 people in our community that wouldn't walk down that sketchy looking thing,  
27 particularly maybe at night. So I just, I hear what you're saying, but then  
28 maybe that's not the solution to our connectivity issues. Maybe we need to  
29 rethink that requirement so that we're getting something that is actually  
30 facilitating what we want, what we want to see. And you know I think if that,  
31 if we do that then I think we would be more successful in that policy  
32 outcome.

33

34 All right. I just want to say I appreciate staff sticking around and tolerating  
35 us this evening. This obviously was our first time as this body getting an  
36 opportunity to weigh in. So we definitely I think took advantage of that. So  
37 we really appreciate you all's work getting to this point. I think there's a lot  
38 of good discussion. I'm really excited to see this come back in November,  
39 and hopefully we can get something that maybe isn't perfect, but is I think  
40 better than what we currently have. And we'll just continue to evolve  
41 forward.

42

43 **3. ADJOURNMENT (11:00)**

44

45 Kaiser: So with that, can I get a motion to adjourn?

46

1 Jo. Acosta: I make a motion to adjourn.

2

3 Murray: I second.

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5 Kaiser: All in favor.

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7 MOTION PASSES UNANIMOUSLY.

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Chairperson

DRAFT