

1 **DEVELOPMENT REVIEW COMMITTEE (DRC)**

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3 Following are the minutes from the City of Las Cruces Development Review Committee  
4 Meeting held Wednesday, January 23, 2019 at 9:00 a.m. at City Hall, Room 1158, 700  
5 North Main Street, Las Cruces, New Mexico.

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7 **DRC PRESENT:** David Weir, Chief Planning Administrator  
8 Katherine Harrison-Rogers, Planner Senior  
9 Mark Dubbin, Fire Department  
10 Rocio Nasir, Engineering Services-CD  
11 Karmela Espinoza, Utilities  
12 Andrew Wray, MVMPO  
13 Cathy Mathews, Landscape Architect  
14 Hector Terrazas, Public Works  
15 Larry Nichols, Director Com. Dev. (9:06-9:27, 10:16-10:42)

16  
17 **STAFF PRESENT:** Becky Baum, Recording Secretary, RC Creations, LLC

18  
19 **I. CALL TO ORDER (9:00)**

20  
21 Weir: Okay, I'd like to call the meeting to order. Do we have a quorum? It looks  
22 we have the majority of the departments represented here.

23  
24 **II. APPROVAL OF MINUTES - January 9, 2019**

25  
26 Weir: First item of business is approval of minutes from January 9th. Those  
27 were distributed with the agenda. Does anybody have any corrections or  
28 modifications they'd like to make? No. If that's the case, do I have a  
29 motion to approve the minutes from January 9, 2019?

30  
31 Nasir: I move to approve the minutes.

32  
33 Weir: Second?

34  
35 Mathews: Second.

36  
37 Weir: We'll go ahead and vote by acclamation. All those in favor.

38  
39 **MOTION PASSES UNANIMOUSLY.**

40  
41 Weir: All those opposed. Minutes are approved.

42  
43 **III. OLD BUSINESS - NONE**

44  
45 Weir: There is no old business.

1 **IV. NEW BUSINESS**

2  
3 **1. Interpretation of block length.**

4  
5 Weir: Under new business we have three items. The first was interpretation of  
6 block length. Rocio, you asked that that be on there. Do you want to give  
7 us an overview of what you're looking for there?

8  
9 Nasir: Sure. I gave you all a copy of this and it's the last page is just a copy like  
10 that, that was the easiest way to copy those, so the first item is the last  
11 item.

12 I was looking on our code either on Chapter 32 which is the Design  
13 Standards or Chapter 37 which is the Subdivision or the Zoning which is  
14 Chapter 38. Based on the discussion that we have on the previous  
15 meeting about what a block length meant and how we were going to  
16 define it and all of those things, so I actually went into our code and tried  
17 to figure out if we do have a definition of block length. The closest thing  
18 that I found was on Chapter 37 which is the Subdivision and under  
19 definitions 37-14 it just defines block "An area of land within a subdivision  
20 generally bounded by highway, streets, other than alleys, natural  
21 boundaries, or the exterior boundaries of the subdivision." So that was the  
22 closest thing that I found. And then I found under the APA Planning  
23 dictionary, the copy that you guys have.

24  
25 Weir: There's a definition in the Zoning Code also.

26  
27 Nasir: Okay. Great. The Zoning Code, block means. Thank you. I didn't find  
28 that one. Block means "Property bounded on all sides by one or more of  
29 the following; a street, railroad, right-of-way, waterway, on subdivided  
30 areas or other defined boundaries, see also Subdivision Code"  
31 which is the one that I just read. And then the other one has block-face  
32 means one side of the block as defined. So that the closest thing that we  
33 have to block length. And then I found on the page that I gave you guys  
34 that's from the APA Planning dictionary which is the American Planning  
35 Association, and they define what block length is. The definition that  
36 they're giving us "That the distance as measured along rear property lines  
37 between intersecting streets."

38 Before I proceed, I also want to remind all of us, is that DRC was  
39 also meant not just to approve development but also to interpret the code  
40 in case we have questions, and that's what I'm bringing this to the DRC as  
41 an item of discussion. I don't expect for us to have an answer today. If we  
42 do, great, if we don't you know then maybe will help us research our own  
43 and find out with our own definitions. That's all I have to say on that.

44  
45 Weir: Okay. Anybody else have anything they want to add to the discussion?  
46

1 Dubbin: I also had questions about the block length. Lately the definition as we all  
2 know has been vigorously discussed and there are some different  
3 interpretations out there. With recent PUDs it's become pertinent that the  
4 terms used in those directly correlate to the definition of block length  
5 because there are road widths and things like that are directly correlated  
6 to the definition. So it was also my desire that the DRC take the technical  
7 issue to make a determination and hopefully come up with a definition that  
8 we can apply uniformly to the term.  
9

10 Weir: Any other comments in regards to that?

11

12 Mathews: This is just to add to the discussion because I haven't given it a whole lot  
13 of thought, block length also in a sense impacts recreational opportunities  
14 for residents and I know it had been proposed in previous discussions that  
15 block length could be defined or the end of the block could be defined by a  
16 trail or a pedestrian pathway or the like, and so I know that doesn't,  
17 anyways that's something that useful in terms of creating pedestrian  
18 friendly walkable communities to help add the notion of a trail or a  
19 pathway defining one of the boundaries of a block. That doesn't  
20 necessarily help Fire with their concerns, but I think it should be part of our  
21 discussion as well with the notion of creating walkable communities and  
22 creating opportunities for people to get out of their cars.  
23

24 Dubbin: Thanks Cathy. That's a valid point because when I when I thought of a  
25 block, I'm thinking street to street, but that might not necessarily be the  
26 case. There are alleys, there are paths. I wouldn't define it that way but  
27 that's why we're talking about it today.  
28

29 Terrazas: I'm kind of with both of you guys. It's going to go back to, especially in a  
30 PUD if we allow a trail to be a block length are they going to be able to put  
31 like 1,000 feet in between or 2,000 feet in between and then just say "Oh  
32 we might have an alley or a trail" so technically the streets are 1,000 feet  
33 in between but is that something we're going to be happy with in the end.  
34 Or do we need to define, okay you can have your block length, whatever  
35 maximum it is, and then in there you can have your alleys or your walking  
36 trails. But I think if we specify street it can give us more of a leeway of,  
37 that you can put an alley, wall path or alley, but it's not going to count as a  
38 block.  
39

40 Mathews: My only notion with that is then that's distance incentive in a sense for a  
41 developer is to provide midblock trails or things like that. It could be a  
42 distant (*inaudible*) because then they say well there's no up side other  
43 than creating a walkable community that people will love. There's no  
44 upside to providing a midblock kind of a trail or the like. It makes me think,  
45 there's a lot of contradictions here too, but it makes me think that maybe  
46 we shouldn't be narrowly defining a block. That it should be a little bit fluid

1 so that on a case-by-case basis we can have these kinds of discussions.  
2 Maybe we should be more interested in providing guidelines and general  
3 notions of what a block is and that we can provide, it could allow for  
4 discussion on a case-by-case basis as these issues come up in  
5 developments. Although that's where we stand right now.  
6

7 Dubbin: Well I know as it affects us and I'm not opposed to that idea, but I know  
8 that part of the reason of the discussion is to create a more level playing  
9 field so that we don't have a difference of case-by-case and try to do that.  
10 I know that for our part with the PUD the block length was a negotiated  
11 factor in the width of the streets. So shorter blocks means more narrow  
12 streets were allowed, kind of an experiment on our part to allow parking  
13 and that connectivity. So my definition of a block was from street to street.  
14 It most closely correlates with the planning definition that Rocio put  
15 forward which was the, it's measured along the rear lot lines which also fits  
16 with the Subdivision Code definition where it's bounded by streets. I think  
17 there are definitely other factors that affect it; alleys which may not be a  
18 block. Those can be proposed I think on a case-by-case basis but I think  
19 strictly speaking we should define the block length and then deviate from  
20 that, or give ourselves a leeway to deviate from the restrictions based on  
21 the case-by-case basis, if there are other considerations such as a park  
22 on one side or parking provided in other areas. Areas where we know that  
23 it's not going to be an issue with our operations for response.  
24

25 Nichols: I'll throw in here. This is something that we do need to come to a  
26 workable, usable metric for our planning because we're actually not the  
27 ones that are designing these subdivisions that these block lengths entail.  
28 That's the developers. But we need to give them information so that what  
29 they come up will be workable for us as well. There are many  
30 components in discussing block length I think. It's not only the dimension  
31 or the length of the block. You know there are other factors like maybe  
32 you have a block that we had in this last subdivision on Metro Verde that  
33 was a long block, it basically had six access points on that, to that block.  
34 So even though the block was longer, you had ability to get to it at six  
35 points which in my opinion would help to address safety. So I guess what  
36 I'm coming down to is not only is it just the dimension, the length, but it is  
37 the other components to that that might make it a workable solution rather  
38 than just say it has a dimension of 1,000 feet, our block length is at 900,  
39 denied. I think we have to come up with some parameters.

40 Then I guess I need to add one last thing. I read an article this  
41 morning, came from a group that's called Route 50, but it has a lot of good  
42 planning principles to it. What it said, this will be interesting for MPO, this  
43 will be interesting for Traffic. There are more traffic deaths by people  
44 killing pedestrians, killing people with cars this last year, significantly more.  
45 So we're saying we want to have a more walkable environment. The thing  
46 is the other side of it, there's been more fatalities and deaths. And so

1 they're trying to figure out why. And one of the things that they factored in  
2 there is we are designing our roads, our arterials, our collectors and  
3 neighborhood streets by making traffic flow the main criteria for that.  
4 Traffic flow normally means wider streets. That's what the Fire  
5 Department was saying, "Hey if we had a little more width here we'd be  
6 good." What they're finding is if you have the wider streets you have  
7 faster traffic, you have traffic flow that accommodates that, but it does not  
8 necessarily address the safety aspect of it as being witnessed by this  
9 recent study and report. So block length's part of it, associated with block  
10 length is street width. Katherine.

11  
12 H-Rogers: I was just going to say, this is just to sort of follow-up on what Larry said. I  
13 think there are a couple of things that we're talking here. They're blocks,  
14 then there are block-faces, and street segments. I think there are multiple  
15 components that we're dealing with. And from the previous example of  
16 some of the issues that we've been dealing with lately and like what's  
17 written, what's shown on the board back there is that you've got competing  
18 components. You've got this one big, you've got a longer block and then  
19 you have smaller blocks below it. You've got street segments and  
20 intersections and different lengths of block faces and so I think it's a  
21 multipart thing that we have to think about. And I think when we're  
22 developing Design Standards after the Comprehensive Plan is adopted, I  
23 think those are all components that need to be dealt with in terms of  
24 design and what we think's appropriate in terms of street widths, total  
25 block size, block segments, all of that. Just throwing that out there. I don't  
26 know if there's an easy resolution.

27  
28 Weir: For discussion purposes, if somebody wanted to do a local street, 36 feet  
29 back-of-curb, back-of-curb, does block even factor into that? Is there any  
30 requirement that block have a maximum or minimum? Is there a code that  
31 requires?

32  
33 Nasir: According to our current standards? No.

34  
35 Weir: Okay.

36  
37 Dubbin: Correct me if I'm wrong, but the current residential road width is 37 feet,  
38 back-of-curb to back-of-curb. So the concessions for a narrower road, I  
39 mean we are trying to work with narrower road by applying block length to  
40 assist in maneuverability and response. So we're already making a  
41 concession to the residential road width, whether it's 36, 34, or 32, back-  
42 of-curb to back-of-curb, that significantly reduces our room to operate.

43 I think my concern with this is you know as Mr. Nichols said and  
44 David Weir, there are apples and oranges. There are a lot of things that  
45 come into play. I would like to define block length as a specific term and  
46 say this is what we interpret block length to be. The block-face, the street

1 segments, all of those are definitely factors and I'm not saying that those  
2 don't apply. There are going to be conditions when even if the developer  
3 wants to come in and say "I want to make 200 foot blocks all along a  
4 major arterial." Well we don't support that. I know that's not going to work  
5 with Traffic. That's not going to work. So there are going to be other  
6 factors that come into play and there's going to be concessions that are  
7 going to be made when we've got other points of access like Mr. Nichols  
8 mentioned. What I would like to do though is to clearly define block  
9 length, understanding that there are other terms, like the block-face, and  
10 the street segments that come into play.

11  
12 Nasir: Yes, because we're not restricting how long a street can be, we're just  
13 defining what a block length, so we can keep on working with the coming  
14 subdivisions that have defined if you have this block of length then you  
15 can have this road width. We're not restricting that. They're the ones that  
16 decided to do that, and that's fine. On the other subdivisions, we're not  
17 restricting the length of the street per se because they're following the  
18 Design Standards that we have today.

19  
20 Nichols: And that street may have, it's entire length, it may have four or five  
21 different lengths, block lengths within the street, total street.

22  
23 Nasir: Because we're not restricting the street length by defining a block length.

24  
25 Dubbin: Nobody wants raceways.

26  
27 Weir: My comments on that. I think using block to define the right-of-way width  
28 and street width was misinterpreted through the PUD. I think Cathy has  
29 the good logic, if you define something so narrowly you get unintended  
30 consequences. I think you have to review it from case-by-case basis,  
31 what's the context and be able to justify what's taking place. To me the  
32 block definition is the only practical point it really has is on a subdivision  
33 plat, is it block A, B, C, or D. I mean how many plats do we have that  
34 don't even define the blocks? I think a month ago we decided that a block  
35 length was the street frontage and the rear of those lots. So we still  
36 would've had the discussion on where the access points were that we had  
37 at the PUD case regardless of how we defined it. Because every  
38 argument was made that that one block length was too long and so the  
39 street should be narrow. I could jump to the other side and just argue the  
40 exact same opposite points, that it met that because it had those access  
41 points. There's one block on the north, if you use that example, there's  
42 three blocks on the south. And the application and where the, Katherine  
43 and I met with the developer and it was to provide access to emergency  
44 services. And we tried to tie it down, so you know it probably should have  
45 been street segment that there were access points at street segments for  
46 that PUD.

1 I think this is a healthy discussion but I think a block length's going  
2 to just be however we decide it, it's the application, that even if, in this  
3 instance we still would've had three blocks on one side and one block on  
4 another. And then it comes down to how you apply that and what right-of-  
5 way width that's on the street pavement width did you come to. I don't see  
6 the discussion or trying to come to consensus changing at all. I mean we  
7 all work with the definition. What's appropriate? What's the safest? What  
8 makes accommodations? Just to again provide context for this, the other  
9 accommodations that were made in that PUD was the sidewalks were  
10 widened from four feet to five feet. There are provisions for street trees.  
11 The desire was to meet the Complete Streets Policy in which you had  
12 narrower streets, you had on-street parking, all of those that provided for  
13 pedestrian safety, so those were all factors that had to be balanced  
14 between access for emergency services, where are people walking to, if  
15 it's exercise, most people exercise either a distance or a time they want to  
16 exercise, it's not getting to a park as fast as I can. So were there  
17 commercial areas to access. The schools were a place where people  
18 would want to walk to quickly and there really were, may have added 200  
19 yards at the most to some people on that longer block. So again you have  
20 to balance all those criteria. So I'll get off my soapbox.

21 The next thing, what exactly did you want to do? Did you want  
22 actual recommendation today? Did you want to try to come up with  
23 consensus? Because we have a definition in two of our Ordinances, so at  
24 most if we came up with something we'd have to recommend amendment  
25 to those.

26  
27 Nichols: I made a commitment to the Fire Chief, due to the conversation that we  
28 had about the recent Metro Verde subdivision. The commitment I made to  
29 him is that we would go back and we would relook at the definitions that  
30 we have and at the end of that review recommend any revisions or  
31 updates to our current development environment, and then we would let  
32 him know what that is and then that's the one that we would use. If we  
33 find that there is not a need for a revision, that what the definition that we  
34 have now is addressing our current development criteria, then I think we're  
35 finished. But if the group here thinks that we should revise it in some  
36 manner, then that's what I would propose that we do, that we make that a  
37 point of discussion maybe in a special meeting. Maybe that's what we're  
38 doing now, I don't know. That commitment I made. If it comes out that we  
39 don't need a change I'll take that information back to him, saying after our  
40 discussion, this is what we found. I do think that a block length needs to  
41 have a criteria that the street cross section is a definite part of what the  
42 block length is going to be.

43  
44 Nasir: If we are going to be doing that, then we should call it street segment not  
45 block. It's two different things in my criteria. And you're right, we do have

1 a definition what a block is, but not what a block length is. Because we  
2 have introduced in the PUD a block length that was not defined.

3  
4 Weir: In a PUD the developer can come up with any language that he wants to  
5 for that.

6  
7 Nasir: But did we define it? Maybe I'm not.

8  
9 Nichols: Mr. Chair. I must regret I have to leave the meeting. I have a conflict  
10 here, but whatever you come up with, I have confidence that I can  
11 support.

12  
13 H-Rogers: I just want to interject. I think we're talking about two different things. We  
14 have a PUD that has some language and the question is, are we trying to  
15 clarify that? Should it be different language? Or are we amending codes?  
16 So there's the PUD and then there are Zoning and Subdivision codes, and  
17 as David I think was trying to articulate, the PUD can define whatever it  
18 wants. It can be entirely different than what our codes say. So the  
19 question here is does the PUD language need to be refined, or do our  
20 codes need to be refined? I think that needs to be clarified. Because  
21 they're not the same. They're different.

22  
23 Dubbin: I think what the Chairman said earlier is correct, that the PUD might not  
24 have used the correct terms because during our negotiations with the  
25 developer which were, not even recently, during the first phase of the  
26 PUD, there was a variable road width based on a number of factors which  
27 was connectivity, block length, interconnection. There were a number of  
28 factors and it was more of a case-by-case basis. Where we've run into  
29 conflict is that the developer in fairness would like to have things more  
30 clearly defined so that he knows what's coming. So he's not surprised at  
31 things. So the effort of the PUD was to define that to block length equals  
32 this road width, which we thought was pretty good. But then it's come up  
33 that it's not, that maybe it's not the right thing to correlate with, with the  
34 road width. So to answer your question, I think if we accept the definitions  
35 for block length that were proposed, then that doesn't really address these  
36 other concerns. To answer your question, maybe both. Maybe we should  
37 define block length and maybe the PUD needs to be revised so that it's  
38 based on some different terms than these other factors and not rigidly  
39 applied. Because you said with the PUD it gives the opportunity of the  
40 developer to define, you said define his own standards, but not  
41 necessarily to interpret or define the terms if they're not provided. So  
42 that's the job of this body and it should be.

43  
44 Weir: If you read the Ordinances the Subdivision Administrator or Community  
45 Development Director interprets the Zoning Code and the Subdivision  
46 Code, and then if there is someone who appeals that interpretation, the



1 DRC actually then intercedes. And then if the DRC decision, they have  
2 the right to appeal that to the P&Z and then to City Council. So as far as  
3 interpretation goes, that's Community Development Department makes  
4 that interpretation. And then if it's part of a subdivision the Subdivision  
5 Code has a very clear appeal process to go forward with that. At the time  
6 that determination made is, there's a 15-day period in which someone has  
7 to submit in writing their reason for appeal and their difference of opinion  
8 of why they feel that needs to take place and then there are steps that go  
9 through. Actually I think it's the P&Z that actually decides what that  
10 definition is. So just to go forward, DRC doesn't intercede until there is  
11 some type of conflict or some type of feeling that the interpretation is  
12 incorrect or the application standard is incorrect.

13  
14 Nasir: Like what we're doing right now.

15  
16 Weir: No. This is discussion, because nobody has formally appealed anything  
17 that's been done. We have no written appeal and I mean that's what it  
18 says needs to be done.

19  
20 H-Rogers: Interestingly enough one of the things that we discovered when staff  
21 started talking about the authority of DRC, DRC's not even approval body  
22 in the PUD process; either for the Final Site Plans or for the Concept  
23 Plans. I think historically we've taken it to DRC, but if you look at the code  
24 they're excluded entirely. Just an interesting thing to bring up. We have  
25 historically not done that. We've always included DRC, but they're  
26 actually not listed as a reviewing body.

27  
28 Dubbin: Correct me if I'm wrong. DRC is the interpretation of technical matters  
29 specifically.

30  
31 H-Rogers: Yes, for some things yes.

32  
33 Dubbin: For some things.

34  
35 H-Rogers: For some things.

36  
37 Nasir: For street widths and everything, it is DRC. It's spelled out the beginning  
38 of right-of-way.

39  
40 Weir: Actually it's the Subdivision Administrator and then his interpretation can  
41 be appealed to DRC.

42  
43 H-Rogers: And PUDs are excluded.

44

1 Nasir: And I'm not saying about PUDs. But on the right-of-way it does say on the  
2 very, and it's a copy I gave you guys actually for something else. I don't  
3 think I put it in there. I apologize.  
4

5 Weir: Section 37-13 talks about the appeal process of the DRC and it says  
6 "Appeal planning related issues," this is 37-13 C(2), "Planning related  
7 issues are issues related to but not limited to lot configuration, street  
8 network, right-of-way requirements, land use, density, phasing  
9 development, suitability of location, and other issues determined by the  
10 Subdivision Administrator to be planning related."  
11

12 Nasir: So, I'm not saying that you're wrong, all I'm saying is that on Chapter 32  
13 which is also where the right-of-way and the widths of the streets, not the  
14 length of street, but the widths of the street on Chapter 32-36 where it  
15 says City Streets, and it's Article 2 which is standards for public right-of-  
16 way. Purpose of this article. The purpose of this Article 2 is to provide  
17 information for the establishment of public right-of-way. This involves  
18 right-of-way requirements and general design specifications for City  
19 streets, design criteria for sidewalks, and specifications for the installation  
20 of streetlights. General information regarding utility improvements is also  
21 provided. This shall be considered the minimum standards and nothing  
22 shall prevent the Engineer Review Committee or the Development Review  
23 Committee from imposing greater standards to achieve purpose outlined  
24 in Section 32-3 of this Design Standards." Unless I'm understanding it  
25 incorrectly.  
26

27 Weir: So what are they having the right to do?  
28

29 Nasir: To impose greater.  
30

31 Weir: At what point do they intercede on that?  
32

33 Nasir: Unfortunately it does not say when.  
34

35 Weir: So it would have to be a development proposal coming before them is the  
36 way I would interpret that.  
37

38 Nasir: Yes.  
39

40 Weir: They would not even see it until that point in time. So prior to that it would  
41 be the Subdivision Administrator that's processing the subdivision.  
42

43 Nasir: I cannot answer that because it does not say it, but later on it only talks  
44 about subdivision. It does not talk about development. Never once when  
45 DRC has a say so talks about development. It talks about subdivision.  
46 On that same section.

1  
2 Weir: Well I think subdivision and development of a subdivision are what it's  
3 talking about.  
4  
5 Nasir: Because someone in this code before I got it wrote development every  
6 time they mention division and it does not talk about development, it just  
7 talks about subdivision. Maybe that was the intent but they didn't write it  
8 down.  
9  
10 H-Rogers: I think what Rocio's talking about is in terms of if it's already been  
11 subdivided but now we have a commercial shopping center coming in, I  
12 think that's what you referring to. Correct?  
13  
14 Nasir: No.  
15  
16 H-Rogers: When you talk about development.  
17  
18 Nasir: It does not talk about development. It just talks about subdivision.  
19  
20 Weir: At the beginning of the Design Standards how does it define  
21 development? I guess what you've got to go back to and look at the  
22 definitions of the Design Standards and I don't have the entire Design  
23 Standards here. We're kind of getting far astray from what the item on the  
24 agenda is. Interpretation of a block length.  
25  
26 Dubbin: Do we want to accept a definition today? And then address the PUD at a  
27 later time?  
28  
29 Weir: We have a definition. We have two definitions. I think the discussion is do  
30 you want those modified?  
31  
32 Nasir: We have a definition of a block but not a block length. Isn't it different?  
33  
34 Weir: Block-face.  
35  
36 Dubbin: I think block-face and block length need to be defined separately. I don't  
37 disagree with block-face but I don't think it is the intent of block length.  
38  
39 Weir: Then I'd recommend that we table this or postpone and somebody come  
40 back with a recommendation for the definition of block length.  
41  
42 Mathews: I guess I'm a little confused about what we're trying to achieve with  
43 defining block length. Is it a way to guide us in determining acceptance of  
44 PUD conditions, acceptance of PUD, or is it, are we trying to, is there  
45 greater purpose to make safe neighborhoods?  
46

1 Dubbin: Let me try. More recently the PUD as there's been some difficulty in  
2 interpretation because the term block length is applied in the PUD and  
3 that's what governs the road width. So without a definition of that term, an  
4 accepted definition of that term, there's been difficulty in apply it. Because  
5 we do have terms like block-face, connectivity, things like that that are  
6 defined, but the PUD doesn't reference those.  
7

8 Mathews: And because PUDs are allowed to define their own planning parameters,  
9 we can't say you have to define a block length in your PUD, especially if  
10 it's different from how we define it.  
11

12 Dubbin: Well if they're using our terms it should be something that's defined in our  
13 code, more clearly defined. Because it's not.  
14

15 Terrazas: It goes back to we have a definition for block but these block length,  
16 relative for a block-face which they're kind of straddling.  
17

18 Nasir: I see.  
19

20 Weir: Having dealt with Ordinances in a long while, people will always argue  
21 (*inaudible*), so you have to put it into context that development and what  
22 are you really trying to achieve. Fire and Police I think know what  
23 provides us the greatest access to an area. Parks and Recreation what's  
24 the street furniture or the medians that you have to maintain. Whereas the  
25 location of a park that will provide the level of service that we called out in  
26 our Master Plan from an engineering standpoint. How can we get people  
27 out of here from a planning perspective? How do we make it safe for  
28 pedestrian and bicyclists? I think those are all things that we all use our  
29 professional judgements when we see a development project come in.  
30 The lesson that I learn on that is we have to be very very clear on the very  
31 first review because if you don't and you say it's a change, then I think you  
32 have to fall back on you're creating a public nuisance or you're creating a  
33 safety hazard to go back. That's me, unless you have an Ordinance to fall  
34 back on and this creates a drainage problem or this creates an  
35 intersection where you can't see to make a left-handed turn. Those are  
36 very critical things. Or this is a bottleneck where our equipment can't get  
37 through the street width. Those are reasons to ask for a change, but  
38 these are people's own private developments. It's their property, they're  
39 saying this is the way I think I can make a profit on it. They're taking the  
40 risk. We're not. We just have to make sure that when we do take over the  
41 public infrastructure it's something that we can maintain and doesn't  
42 create a public hazard. That's my philosophy and I don't think definition of  
43 a block length is going to change that, particularly in a PUD it's not. It's  
44 still going to come down to the context of where it's located, what's  
45 proposed, and what standards and what we base those judgements on.  
46

1 Mathews: I think that relates in a way to my question of we're talking about creating a  
2 new definition in our code for block length possibly, but is this a single, is  
3 this a typical kind of question that comes up in PUDs or is it just this one  
4 PUD that's precipitating this question and the need for a definition of block  
5 length. Or should we just take it as a lesson that well maybe more careful  
6 attention should've been paid at the beginning when they said block length  
7 instead of block-face.

8  
9 Dubbin: I think maybe all of the above.

10  
11 Mathews: I can understand that. But my question is, so do we need to create a  
12 definition of block length because of this just one single subdivision that is  
13 bringing it up, or is this something we anticipate that we're going to need  
14 more of in the future, defining a block length rather than relying on our  
15 current definitions of other things.

16  
17 Dubbin: I think the PUD has precipitated the need for the definition. I think that in  
18 the future it is something that we're going to need.

19  
20 Weir: Mark, what does a block length definition do for you? What I heard the  
21 Fire Marshall say yesterday is Fire's preference is that they always have a  
22 minimum of 36 feet of pavement. If that's the standard they want, then the  
23 planners when somebody comes in with a PUD needs to tell them "Don't  
24 even bother getting to a shorter street width." Fire's always going to say  
25 36 feet. I think we're doing a disservice to ourselves posing these smaller  
26 street widths if you all aren't going to take it.

27  
28 Dubbin: Thirty-seven feet works in every situation. Just to be clear. That always  
29 works. That works on the turns, it works for parking, it works for utilities  
30 and trash pick up. It always works. So when we agreed for the narrower  
31 streets we identified the things that do cause problems, like cul-de-sacs.  
32 We take into account the goals of the City's plan for walkability, for  
33 connectivity, the wider sidewalks, all those things that are part of the  
34 vision, but at the same time we don't have a crystal ball. We don't know  
35 what a 32-foot back-to-back roadway's going to be 15 years from now. At  
36 that time it's not the developer or the sales that's going to govern anything,  
37 it's going to be citizen's that have lived there for 10 years and they're  
38 happiness with the neighborhood. And it's also going to be our ability to  
39 respond as to what the condition of the neighborhood is and the condition  
40 of the street is. So I think we owe it to the developer and to future  
41 developers to define block length because that's what we've tied this to. I  
42 kind of favor the APA definition because it doesn't reinvent the wheel.

43  
44 Weir: That's one of about 10 APA definitions. So we have to come up with our  
45 own. I think that's the other point here. What works for this City? We  
46 can't fall back on something else. And then I just get back to if the street

1 width is you want at 37 feet, the discussion of block length and block-face  
2 and block are irrelevant. I mean it really is. It needs to be something that  
3 you tie back to saying this is, under these conditions we will allow  
4 narrower streets. And the conversation when we've met with Sierra  
5 Development was you wanted more ability, connectivity to go to it and so  
6 that was where the block-face was what determined that we met between  
7 intersection to intersection is what we negotiated with them. And my  
8 understanding was you had the access points to get your equipment into  
9 those places.

10 We're getting really, the item on the agenda is interpretation of  
11 block length. I guess it comes back to does this body want to come up  
12 with a definition and make a recommendation to amend the Zoning Code  
13 and Subdivision Code?  
14

15 Dubbin: Well I do think that we should vote on a definition. Maybe not today, but I  
16 think that one should be proposed and it should be an action item, we vote  
17 on it and see. And if it needs to be adopted into the next Ordinance, then  
18 it should be. But at least we've got something to start with.  
19

20 Mathews: I would agree that we should, it's worth considering the definition of a  
21 block length. I definitely want more discussion. I'm interested in more  
22 discussion because there are other factors too that maybe we don't have  
23 time to address with today and I hadn't thought enough about to propose  
24 coherent arguments. But you know there's things like with climate  
25 change, creating increased urban heat island effect, and therefore defining  
26 a block length based on 37 foot street width is a little ill-considered  
27 because there are other factors with that amount of pavement that effect  
28 additional things beyond even some of the things we've brought up here,  
29 walkability, and access for Fire and the like. But I think those play into,  
30 maybe minor, but they play into the definition of what a block length is or  
31 how we intend to use that definition. So I think it's a valuable discussion  
32 perhaps for this body to have, but I don't want to vote today on a definition  
33 of block length.  
34

35 Nasir: That was not the intent. It was more bringing it for discussion.  
36

37 H-Rogers: I agree with Cathy. I think it's how we're using the definition that's the  
38 most important thing. There are so many factors that come into it. It's not  
39 just about maneuverability of trucks, but other things as well. Yes, it  
40 warrants a really in depth conversation about all the pros and cons and  
41 how we're actually utilizing it.  
42

43 Weir: Hector.  
44

45 Terrazas: I do have one thing. I don't think we can define block length. We don't  
46 have to give a number, as long as we define block length, it's going to be

1 either block-face or block, but I think we can, the board wants to just vote  
2 on just the definition of it and then figure out a length later, or leave it open  
3 ended so as development comes then you have that leeway for  
4 developers to come and propose something. But at least we're talking the  
5 same terms as far as development and the City. This is what block length  
6 is to us.  
7

8 Nasir: And that's the purpose of a definition. The purpose of a definition is define  
9 what that means, not the parameters of it. Because I don't want that, then  
10 we're tied, us and the developer or whoever is coming, wanting to have  
11 different creativity. I think that the purpose of a definition is define a  
12 concept, not tie it by parameters with numbers.  
13

14 Weir: So what does the group want to do next in regards to this? Do you want  
15 to put it on to a future meeting with an actual definition for that discussed?  
16 Or is there something else you want to discuss in regards to this? Or  
17 something else that you want done?  
18

19 Dubbin: I think I would like to work on a definition and then propose it as an action  
20 item for a later meeting.  
21

22 Weir: Okay.  
23

24 Nasir: Do we want to put a date and a time for a later meeting? Like a week or  
25 two weeks.  
26

27 Dubbin: Two weeks. Does that give us sufficient time?  
28

29 Weir: I thought you might want a month.  
30

31 Dubbin: I'm fine with that.  
32

33 Nasir: That's why I'm asking. What time length do we want to have?  
34

35 Dubbin: I think you're more familiar with the definitions that are out there and  
36 maybe the way to apply them. It might not be one definition. I think if we  
37 bring it forward it might be definitions for some of these other things like  
38 block segments and block-faces so that we've got a clear basis. Maybe  
39 not just, that way we can save ourselves the discussion in the future for  
40 one of these other definitions.  
41

42 Wray: That might make it very open-ended though. May end up spinning our  
43 wheels and not actually getting anywhere if we just keep on adding more  
44 and more and more and more context rather than focusing in on what is it  
45 we're trying to do right now.  
46

1 Dubbin: So you're saying one definition. Stick with one.  
2  
3 Wray: My preference would be one.  
4  
5 Nasir: One at a time.  
6  
7 Weir: My opinion is that we have enough working definitions already. If you  
8 have a straight subdivision, block is irrelevant. It's just a way to identify  
9 something on the plat and I think the definitions we have now are  
10 sufficient. And I think if you have a PUD, if these are the parties that  
11 review those, we'll have a very robust discussion and everything's on the  
12 docket when it comes through at that time. Personally I don't think we  
13 need to do anything. But if you do want to go forward with something, I  
14 think you should come probably with a series, what you think is the most  
15 appropriate definition of block, what's the most appropriate for block-face,  
16 and block length, and street segment. We should bring all of those for  
17 discussion and recommendation. Or we agree to use Webster's definition  
18 of those or there are several things out there to look at. But I still think if  
19 it's in a PUD it's all going to be context oriented anyway and it's really the  
20 essential services the department that you represent how that  
21 development impacts that. And if you see something that's bad design  
22 you need to call it out on the first review and even make outreach to that  
23 developer and say this is why I would like you to do something else and  
24 go forward. Having done review for many, many years I know it's a very  
25 difficult because if it's not in an ordinance they'll say "I don't have to do  
26 that." You're right. They don't. But that's why I don't, kind of circular logic  
27 here, that's one of the reasons I don't think changing the definition is going  
28 to do anything because as long as they provide one of the street cross  
29 sections in the design standards, they can have a two-mile block. There's  
30 nothing that prohibits us from doing that. All we're doing is saying "Yes,  
31 that block goes from Las Brisas Subdivision to Agave Place on Stern  
32 Drive. That's my two cents. I'll entertain a motion of anybody how you  
33 want to proceed.  
34  
35 Nasir: What do we feel like, two weeks, three weeks?  
36  
37 Weir: Or we can just table it and you can propose another.  
38  
39 Wray: Is this an actual action item that we make a motion on or do we just?  
40  
41 Dubbin: I think let's shoot for two weeks. Like you said can we can always take an  
42 extra week if we haven't found the material that we feel is pertinent.  
43  
44 Nasir: Okay.  
45  
46 Dubbin: And bring something forward.



1  
2 Nasir: Then two weeks it will be on February 6th.

3  
4 **2. Interpretation of the sidewalk requirement Chapter 26 and Chapter 32**  
5 **and the procedure for applying for a variance. (Sec. 26-101, Sec. 26-102**  
6 **& Sec. 32-37)**

7  
8 Weir: Next item on the agenda, unless anybody has any other final comments?  
9 No. Next one is interpretation of sidewalk requirement in Chapter 26 and  
10 32, and the procedure for applying for a variance. Rocio, you asked that  
11 this be placed on the agenda also.

12  
13 Nasir: Yes. It's part of the packet I gave you guys. I found on Chapter 26 it's the  
14 fourth page, the requirements for sidewalk. And it basically says that it's  
15 required to be placed on every street and then they define the exceptions.  
16 The exceptions are; along unpaved dirt streets, in areas specifically  
17 designed by City Council for infill development, along limited control  
18 access streets, local residential streets where all lots are three-fourths of  
19 an acre in size or larger, any other exception as may specifically design by  
20 Ordinance enacted after the effective date of the Ordinance for which this  
21 article derives. Platted subdivisions previously granted a specific variance  
22 for installation of sidewalks, as part of the subdivision approval process,  
23 and then new development. It just goes on. What I'm trying to say is  
24 there is this one development that doesn't want to build the sidewalk  
25 because the paved road is only paved, there's no curb and gutter, and  
26 also it's so small that it doesn't make it to where the sidewalk should be,  
27 either they build it right adjacent to where the sidewalk will be once that  
28 road is built out, or they build the sidewalk adjacent to the asphalt.

29 In trying to figure out if we can give this person a waiver or a  
30 variance or something like that. So the reason that I read Chapter 26,  
31 that's where the sidewalks are at, but we have no purview in that as DRC  
32 or anything else, just to implement that part, but we cannot interpret or do  
33 something different on that one. The part that we do is in Chapter 32-37  
34 which is the sidewalk requirement. It doesn't give a waiver of not building  
35 the sidewalk. It says who is the one responsible to build it but that's it.  
36 There's no purview on that. Then I'm trying to find a way of giving this  
37 person a waiver in a legal manner, but I haven't really found one. The  
38 closest thing that I found is on the next page on 32-36 under City streets,  
39 on the very last sentence, what the last paragraph it talks about that they  
40 need to do the improvements, the subdivider shall do the improvements  
41 100% and all those things, and then at the last, it says the subdivider shall  
42 provide the following street improvements or pay the cost of these  
43 improvements to the City. So that's the closest thing that I have found in  
44 Chapter 32 where we do have a purview on to pay the money in lieu of  
45 building it.

1                   The e-mail that you guys saw on the front is an e-mail from the City  
2 Attorney where Tim and I asked the City Attorney if we can do the Design  
3 Standards variance application that we have used for other things. He  
4 said that "I agree, you should use the variance process in Section 32-275  
5 and 32-412 even though it does not fit perfectly in this instance. She will  
6 then at least have a due process of an appeal." So I just wanted to have  
7 your input on what do you guys think, how have we used the Design  
8 Standard Variance application in other applications where when it is not  
9 defining our Chapter 32 code. It's only defined once in the Design  
10 Standards for landscape and then again on the traffic portion of it. And  
11 then the rest is to the discretion of the Public Works Director and to the  
12 discretion of DRC. But on the part of sidewalks it does not give us the  
13 permission to grant money in lieu of. So that's basically.

14  
15 Weir:           Rocio, is this part of a subdivision or is it just a building permit for an  
16 individual?

17  
18 Nasir:          It's a development ...

19  
20 H-Rogers:      Commercial.

21  
22 Nasir:          Commercial. Yes. They want to build a small commercial and there's the  
23 sidewalk requirement but the problem is that we don't want to have the  
24 sidewalk either because then the sidewalk will be standing alone in the  
25 middle of the dirt.

26  
27 Dubbin:         So your proposal would be that they would apply for a variance and DRC  
28 would vote.

29  
30 Nasir:          Yes. Either DRC or the Public Works Director.

31  
32 Dubbin:         Okay.

33  
34 Mathews:        We don't have problems having gaps in sidewalks, why do we have a  
35 problem not having, I mean alleviating some part of a gap.

36  
37 Nasir:          Well the thing is that there's no sidewalk anywhere around there and the  
38 road is, it's West Hadley I think.

39  
40 Terrazas:       And 17th.

41  
42 Nasir:          Yes, so there's no sidewalk that is going to connect even if, across the  
43 street or if you walk, there's no sidewalk and the asphalt that is there is  
44 like 27 feet or something like that.

45  
46 Terrazas:       There's sidewalk on the east side of the.

1  
2 Nasir: On the other side of the street.  
3  
4 Terrazas: Yes. So they will be developing the corner but east the area subdivided.  
5  
6 H-Rogers: This is west of Valley. Not east of Valley. So it's not in the infill.  
7  
8 Nasir: It's not in the infill. Because if it was in the infill according to what I read in  
9 Chapter 36, they don't have to build it.  
10  
11 Wray: This is still within the urbanized area of Las Cruces. I would think that this  
12 would be an opportunity to start construction of the sidewalk network  
13 within that area. So MPO would never be in favor of granting a wavier in  
14 this particular instance. We think that the sidewalk has to start  
15 somewhere. This is an opportunity to do so.  
16  
17 Nasir: Even though there's not, because the ...  
18  
19 Wray: It has to start somewhere.  
20  
21 Nasir: No, and I agree, but the asphalt does not match nowhere near close to  
22 where the sidewalk should be placed.  
23  
24 Wray: But then you've got a built in barrier between the flow of vehicular traffic  
25 and the pedestrian, thereby increasing the safety. If I'm understanding  
26 what you're saying correctly, then that's actually a benefit in my view.  
27  
28 Nasir: Okay.  
29  
30 Dubbin: I know just from my history in the past, if there's a planned improvement to  
31 that road, the City has not required sidewalk. If we know we're going to  
32 have to go and tear it out in the near future, then there's been exceptions  
33 made, but then of course the Public Works Director would know if that was  
34 something that was coming up on the agenda.  
35  
36 Nasir: And then West Hadley is not on the near future of being built.  
37  
38 Dubbin: Okay.  
39  
40 Mathews: So can you help me understand. So there's a property that's going to be  
41 developed, okay, and it's on a corner.  
42  
43 Nasir: No it's not on the corner.  
44  
45 Mathews: This one here.  
46

1 Nasir: Yes.  
2  
3 Mathews: Okay. And there would be gaps, I think ends of the sidewalk. There  
4 would be no sidewalk on either the adjacent properties, and there would  
5 be a gap between the sidewalk and the pavement. Okay.  
6  
7 Terrazas: As far as the safety issue, the cars, we would request that they extend that  
8 pavement the full width to match up with the sidewalk because there's no  
9 point in having, like dirt, just dirt, it's not going to be, because now it's  
10 going to create ponding issues, it's going to create maintenance issues.  
11 That's something we could maintain easily.  
12  
13 Dubbin: Sometimes we can't enforce them, the improvements in the right-of-way  
14 though, like to the road width.  
15  
16 Terrazas: Right. And that's another, so totally separate issue. But it's kind of tied  
17 into this.  
18  
19 H-Rogers: The Active Transportation Plan had some recommendations regarding  
20 sidewalk gaps. And I think this a theoretical discussion about why the  
21 Design Standards were developed the way they were. Perhaps they  
22 purposefully did not have a variance process because they didn't want  
23 one. And so the question is, do we want to encourage that knowing what  
24 the ATP actually says about sidewalks and sidewalk gaps. I'm kind of with  
25 Andrew on this. I would be very reticent to even promote some sort of  
26 waiver process to this. Even if it doesn't make sense. I think that we have  
27 the ability, like Hector said, to ask for some other improvements, even if  
28 they're slight, to prevent some of the maintenance issues that we might  
29 have. Just my two cents.  
30  
31 Weir: In this particular case, was there any discussion of delaying installation?  
32 There's a provision in the sidewalk and streets that if there's no sidewalk  
33 existing within 300 feet they can request a delay for ...  
34  
35 Nasir: Two years.  
36  
37 Weir: Up to three years.  
38  
39 Nasir: Is it two years or three years?  
40  
41 Weir: Three years I believe.  
42  
43 Terrazas: Thirty-six months.  
44

1 Weir: The issue I have, well the developer may have is that requires City  
2 Council to approve that which may go back to the comment Katherine had  
3 (*inaudible*) sidewalk as possible.  
4

5 Terrazas: I don't think it would fall because it's about 250 feet from that east side, so  
6 it wouldn't fall in that requirement.  
7

8 Nasir: Okay.  
9

10 Weir: Get the direction you needed on that?  
11

12 Nasir: Yes. I definitely do have a direction on that.  
13

14 Terrazas: And from the traffic side we would want the sidewalk because I'm  
15 personally seeing people walking there, but I know it's not going to look  
16 perfect until we have it all or we have a piece, I'd rather have a piece  
17 because at the end of the day it's going to come back and fall into what  
18 the ATP said, gaps.  
19

20 Weir: And there's nothing saying that the City can't do an inventory of these  
21 gaps and then do a CIP project, dedicate funds and build that missing  
22 segment to connect that to existing sidewalks too.  
23

24 **3. Interpretation of warranting criteria to determine the need for a Traffic**  
25 **Impact Analysis (TIA). (Sec. 32-407)**  
26

27 Weir: Are we ready to go to the third item? Everybody comfortable with that.  
28

29 Nasir: That one is on the last page, second to the last page on the last  
30 paragraph. I would like to have help with the interpretation of the code.  
31 Speaking with the previous Traffic Engineer about everyone having to  
32 have a vehicle count to determine whether or not a TIA is required or not.  
33 And I disagree with him based on the last two sentences where it says  
34 "For the purpose of this plan, the development of 160 single-family" and it  
35 goes on describing what the matching criteria will be. Wait, let me go  
36 back a little bit. So even if it's a smaller development it says "Smaller  
37 developments may warrant a study if there are issues as determined by  
38 the Traffic Engineer over traffic safety or the development is located in an  
39 already congested level of service D area." So that is very well defined  
40 and I understand that, that if it is already an issue, like for example on  
41 Telshor, North Telshor, that is already defined that the level of service is D  
42 and that there are traffic safety issues on that one. So there's no question  
43 whether you do need to have either a TIA or what the TIA will require will  
44 be for you to do a deceleration lane to get the traffic off of the road as  
45 soon as possible. The question that I have is the next part where it is  
46 defining that if it's not already a safety issue or a level of service of D, but

1 if you are greater, for example 160 single-family dwellings or 220  
2 multifamily, then you should not be asked to have a TIA unless you are on  
3 a determined area where there is safety or level of service is D. And that's  
4 my question to this Committee. If what I'm reading this correct, or I'm  
5 misreading it, that it is not required unless you qualified on those boxes  
6 and that you don't have to do a traffic count to determine that you are 100  
7 vehicles or more.

8  
9 Terrazas: So give you guys a little bit of background. These 160 or 220, if you look  
10 at the Trip Generation Manual, it lines up with 100 or more inbound trips.  
11 So I see where they pick those numbers. They didn't pick them out of the  
12 blue, they went with the older Trip Generation Book that's, if you keep  
13 looking it references it has to be done by a Trip Generation Book from the  
14 IP. So I went back and checked on the 160 and the 220, depending on  
15 peak hour, but most of them are in the p.m. or the morning. Those 220  
16 multifamily, in the morning would create those 100 new movements. So I  
17 think that was more of a kind of planning, that way you guys don't have to  
18 kind of figure out, kind of help Community Development give you kind of  
19 rule of thumb as far as that. Retail, well there are different kinds of retail,  
20 depending on what combination. There's a difference between a  
21 warehouse and then Amazon warehouse, right. So we can't, that's got to  
22 be different issues. As far as them conflicting, I don't think they can  
23 conflict and I don't know if that's what you were kind of.

24  
25 Nasir: Yes.

26  
27 Terrazas: Do they really conflict or do they not?

28  
29 Nasir: That was the question. Because as I said as I was talking to the previous  
30 Traffic Engineer, he said "No, I want to have a count regardless." And I  
31 was like no, if they're not meeting, the way I understand it if they're not  
32 meeting the criteria that is here, then you don't need count. If they're  
33 building a subdivision that is 100 units, then they're not meeting the 100  
34 trips, according to what you gave me on this criteria.

35  
36 Terrazas: But it goes back again to, are we going to let them bypass this if  
37 somebody's just doing piecemeal or do they need to give us a master plan  
38 and develop this whole issue.

39  
40 Nasir: Yes.

41  
42 Terrazas: Then at that point we do a TIA of course. We wouldn't require one for 50  
43 developments because in the beginning it should've been a whole Master  
44 Plan dealing with this whole traffic issue.

1 Nasir: And that I agree, it's not about if their, because you're right, they can come  
2 back and say "Well it's only creating 100" and then they come back again  
3 and it probably has the same exit. And it creates only 60 and then come  
4 back in 40. No, you're right, I agree. That is not a question on they're not  
5 meeting the criteria to have a TIA to begin with, or even if they do it on the  
6 second phase then they should count the 100 that they didn't count the  
7 first time, plus a new phase.  
8  
9 Terrazas: If the Master Plan changes or the *(inaudible)*.  
10  
11 Weir: So I have a procedural question. So if there's a multiphase Master Plan.  
12 With that initial Master Plan there's a requirement for a TIA, correct? And  
13 so and those are good for a year, 18 months?  
14  
15 Terrazas: As far as?  
16  
17 Weir: Various times when developments come in I've heard, "I want the TIA  
18 updated because it's been three years." Do we do that as staff or do we  
19 just, as along they're developing the phases of that Master Plan, do we go  
20 off of that initial TIA? Is that good?  
21  
22 Terrazas: As long as they don't deviate from that.  
23  
24 Weir: Okay.  
25  
26 Terrazas: But say there's a Master Plan here, develop 100 acres, multifamily or  
27 whatever it is, but then there's another development that comes up, well  
28 that Master Plan has to account for this Master Plan right and that's our  
29 TIA is really now that you have a 20-year horizon, you've got to take into  
30 account background traffic, just City growth and all that.  
31  
32 H-Rogers: I think what David was asking is that let's say we're doing a Master  
33 Planned development, there's a TIA done for the five phases that we're  
34 going to be part of this Master Planned development, it's seven years  
35 later, there in one of the later phases, we don't require them to update  
36 their TIA just because it's been seven years.  
37  
38 Terrazas: No.  
39  
40 Weir: Okay.  
41  
42 Terrazas: Unless there's a big issue that's not.  
43  
44 Weir: If they convert single-family to multifamily.  
45  
46 Terrazas: Exactly.

1  
2 Weir: So you're increasing that.  
3  
4 Terrazas: Like for the PUD, they're adding the 300 acres, I asked them to modify,  
5 include that because that's a lot of impact.  
6  
7 Weir: And then if there's a large tract next to it and they do the Master Plan you  
8 ask for a TIA for that entire development.  
9  
10 Terrazas: Yes.  
11  
12 Weir: But it sounds like the issue comes up when it's along segments that have  
13 already divided tracks or large tracks of land that didn't have to go through  
14 a Master Planning, or they don't have to subdivide so you don't have that  
15 ability, so now it becomes how do you get that whole corridor to, if it's 60  
16 acres and they're next to 20 acres, is that what I'm hearing?  
17  
18 Nasir: It was a misunderstanding more than anything. Because he was asking to  
19 have a count, not a TIA, a traffic count, an initial count to determine if they  
20 met the 100 trips, versus using what the code already spells out that, like  
21 Hector was saying, you know the 160 single-family dwellings, that's the  
22 threshold that gets the 100 counts.  
23  
24 Terrazas: And there might be sometimes where we don't know or even our Trip  
25 Generation Book it only has like two extrapolating points that we might  
26 need a count, or we know it's a real busy intersection that's, "well is he  
27 really going to generate that?" Sometimes we want to put on them proof  
28 to us that you're not going to get the 100 trips and now we're going to be  
29 asking because we have the Trip Generation Handbook that says typically  
30 on the fast food you will, but we get a lot of "Well, I'm not a McDonald's.  
31 I'm not going to generate that kind of traffic." Well prove it to us. I mean  
32 we only have what our code says which is the Trip Generation, so at that  
33 point we would be asking them.  
34  
35 H-Rogers: May I ask a question? So the question that I have is, Hector do you agree  
36 with the way Rocio is then interpreting this section? And is the  
37 disagreement with Soo?  
38  
39 Nasir: Yes.  
40  
41 H-Rogers: Can I ask that? Okay so this is clarify for Soo's interpretation.  
42  
43 Nasir: Yes, and for me too. Because also too for example when traffic does not  
44 get the first contact with the applicants, I do.  
45  
46 H-Rogers: Right.



1  
2 Nasir: So I'm telling them, "Oh, okay, you have 160 and you're not on Telshor,  
3 you don't have to worry about doing a TIA or a count." And then it goes to  
4 review to Traffic and then they do ask them to do that. So that's more of a  
5 clarification that I wanted to have from DRC in that sense, because one of  
6 the biggest conflicts that we have had is mixed communication to the  
7 applicant. Because I'm basing my decision on this part of the code that is  
8 defined, so I don't have to go out there and count the vehicles. But if it is  
9 already a level of service D or if it's already a hazardous area that is  
10 identified, then I understand, it doesn't matter what you are doing, you still  
11 have to do a count or a TIA or something like that. Versus, "Oh no, yes  
12 you are not there and you are less than 160 family dwelling or less than  
13 220 multifamily, then no, no TIA or no traffic count."  
14  
15 H-Rogers: So Chair, for clarification, am I to understand that we need to make a  
16 motion whether or not staff agrees with Rocio's interpretation on this?  
17  
18 Weir: I think that would be the way to proceed. So just for clarification Rocio.  
19 You get an application that doesn't meet any of these thresholds, but  
20 there's something unique about it, it's a drive-thru or there's a curb cut  
21 where you want input from Traffic Engineering, is that the type of situation  
22 where they'll look at the site plan and say "We need a TIA?" Could you  
23 explain the conflicts that occur and what situations that those have  
24 happened in the past.  
25  
26 Nasir: I'm trying to remember. For example on Lithia, when they did a small  
27 addition which is on Telshor.  
28  
29 H-Rogers: Lithia Dodge.  
30  
31 Nasir: Yes. And they did a small addition on the back and it was for repair shop  
32 or stuff like that. My initial deal with them was it's such a small thing, don't  
33 worry about doing a TIA or a traffic count or nothing. And then it got to  
34 Traffic and Traffic did ask them to do a traffic count for that. It was based  
35 on the fact that it was on Telshor. That was the reason that Traffic said.  
36  
37 Weir: They wanted to do that. It didn't meet any of the thresholds.  
38  
39 Nasir: Yes, because there was not, we did not know how many vehicles they  
40 were already generating and how many vehicles that they're going to  
41 generate after the addition or met on to any of the other ones that we have  
42 spelled out.  
43  
44 Terrazas: And I think what Soo was trying to use as the reasoning behind that was  
45 that sentence where it says "Smaller developments may warrant a study if  
46 there are issues as determined by the Traffic Engineer over traffic safety

1 or the development is located in any an already congested level of service  
2 D area." So I think that was the issue on that one.  
3  
4 Nasir: Yes. And after I spoke with him and Willie, then they explained what the  
5 issue was with Telshor. So then it was easy for me to tell everyone, you're  
6 coming for a development for Telshor, doesn't matter what you are doing,  
7 it's going to be a TIA will be required.  
8  
9 Terrazas: Right.  
10  
11 Nasir: Basically want to have a left turn. We kind of all know where the issues  
12 are but if you have a question before you even give them and answer,  
13 give me or Soo a call and whoever is at that traffic spot. We're just trying  
14 to make it safer or at least not make it worse if they need to do a  
15 deceleration lane, accommodate the traffic.  
16  
17 Nasir: And one of the reasons that I'm asking for clarification for this Hector is  
18 because I dealt with, you're the fourth Traffic Engineer I have dealt with  
19 and each one of them have their own interpretation to what this says. And  
20 that's one of the reasons I want to have a guideline on this. Because I  
21 asked Soo and Soo said "No. Everyone needs to do a traffic count  
22 regardless if they meet this or not." I was like well that's not what it says.  
23 That's not what I'm interpreting. Because there are streets that don't  
24 warrant the safety or the level of service D. So that's why I'm asking  
25 direction from DRC.  
26  
27 Weir: Again, I think I know what this means but, so what is the difference  
28 between a traffic count and a Traffic Impact Analysis?  
29  
30 Terrazas: Traffic count's a lot less, literally just count the traffic, but the TIA,  
31 depending on development it can be big cost.  
32  
33 Weir: So traffic count is just the immediate impact and what that use, and then a  
34 TIA.  
35  
36 Terrazas: It can be a quick simple three-page thing. Now a TIA is a full-blown report  
37 that.  
38  
39 Nichols: I can give you one more metric on that. Traffic count is probably a few  
40 thousand dollars maybe. A Traffic Impact Analysis is a \$50,000, \$40,000.  
41  
42 Terrazas: Depending on the size.  
43  
44 Weir: Then the TIA addresses more than just the traffic volume. It talks about,  
45 what the mediation or improvements or, what do you ask for a TIA?  
46

1 Nasir: So a traffic count is asked to see if you meet the 100 vehicles. That's  
2 what a traffic count would do. So if you would do a traffic count and it  
3 comes back with 80, then you don't have to worry about doing a TIA  
4 unless it's a safety hazard or a level of service D already. But a TIA will  
5 give you remediations for you need to put a traffic signal, you need to put  
6 right turns, left turns ...  
7  
8 Weir: Acceleration, deceleration.  
9  
10 Nasir: Yes, all of those things.  
11  
12 Terrazas: So in that same section it calls out what it should include, so of course we  
13 use the Highway Capacity Manual and the Trip Generation Manual. The  
14 TIA, this is what I'm talking about, full-blown TIA would have to include  
15 existing, future traffic, critical turning movements, level of service, and just  
16 like Rocio said, the improvements to how they're going to be used to  
17 justify making the situation worse and then also they're financing it. And  
18 that's all in that section.  
19  
20 Weir: What I think kind of the issue that I hear is that the City always has  
21 pressure to turn permits, develop proposals around as quickly as possible.  
22 So if they don't meet that threshold we need to let them go through and  
23 seek the approval. But the issue becomes when the interpretation of one  
24 department as it doesn't meet those thresholds, we issue the permit, then  
25 another department comes back and says "Why did you let that happen?  
26 We needed a TIA because of those issues." Am I along the right path of  
27 what's going on?  
28  
29 Terrazas: Yes  
30  
31 Nasir: Yes.  
32  
33 Weir: So what you're asking for today is basically consensus from the DRC is I  
34 have the authority to go do this, that you will back me up if I make this  
35 interpretation based on our understanding, and then I'll work with you  
36 when I feel it's above this to go forward.  
37  
38 Nasir: Yes, because I don't, if I do see something I do contact them, because as I  
39 said I'm the first contact with the applicant. Then Traffic sees it. So I don't  
40 just blindly say "Yes, sure, whatever." No, I have read the criteria and if I  
41 do have a question about it, I don't tell the applicant right away, yes or no,  
42 I say "I'll get back with you on that." And consult with Traffic.  
43  
44 H-Rogers: Just a question for Rocio. Do you all have access? Do you look at the  
45 level of service maps? Because doesn't MPO generate those? Oh, you  
46 don't.

1  
2 Nasir: We don't have.  
3  
4 Terrazas: We don't have those.  
5  
6 H-Rogers: We do not have level of service map. Really?  
7  
8 Nasir: Yes, we don't have it.  
9  
10 H-Rogers: Really? Okay.  
11  
12 Nasir: We're basing on the ...  
13  
14 H-Rogers: I worked for TXDOT.  
15  
16 Terrazas: Well that's TXDOT.  
17  
18 H-Rogers: Yes. The City of El Paso intersection, I mean those level of service maps  
19 are updated all the time. So I'm really surprised that we actually don't  
20 maintain.  
21  
22 Nasir: No, we don't have one.  
23  
24 H-Rogers: Data like that. Okay. I was just curious. I thought we had maps that you  
25 could reference.  
26  
27 Terrazas: That would make it a lot easier.  
28  
29 H-Rogers: Wouldn't it? Okay, no never mind. I just wanted some clarification and  
30 that answers that.  
31  
32 Nasir: And that's why I was saying like, I kept bringing back Telshor, because  
33 that we know.  
34  
35 H-Rogers: Okay.  
36  
37 Nasir: That level of service is not even D, I think it's F or something like that. So  
38 it's already defined based on other TIAs that have been done and  
39 everything else. So there's stuff that we have determined based on TIAs  
40 that the public has done, not that we have done as the City.  
41  
42 H-Rogers: And this is just another follow-up question just for my edification. There've  
43 been some discussions about adding pedestrian and other modes of  
44 traffic to level of service to sort of interject those aspects. We don't do  
45 that, it's just vehicles yes?  
46

1 Terrazas: As far as ...?  
2  
3 H-Rogers: This is theoretical discussion. There are other jurisdictions that are  
4 looking at level of service in a more comprehensive manner, it's not just  
5 about vehicles, but about pedestrians and other modes of travel as well.  
6 And I didn't know if that's something our current TIAs are looking at. I  
7 guess the answer to that is no. Okay.  
8  
9 Terrazas: I'm thinking, because I haven't reviewed one yet. I've been asking for  
10 them but I haven't gotten one that I'd asked for.  
11  
12 Wray: From the TIAs that I have reviewed, no.  
13  
14 H-Rogers: Okay. That was my question.  
15  
16 Wray: It's been several years since one has actually been done in the area. I  
17 think the last one I looked at was Apodaca.  
18  
19 Terrazas: Just for your information, there is push to get more pedestrian stuff in that  
20 Trip Generation Manual that it's referenced in our group. They've been  
21 including more pedestrian friendly as far as that portion. As far as the  
22 impact of the people walking. We keep looking at less intersections or ...  
23  
24 H-Rogers: It's not just people walking, but basically how the traffic and the  
25 pedestrians interact.  
26  
27 Weir: So back to the item on the agenda, you're looking for a consensus that as  
28 long as that criteria is not met, there's not a requirement that we ask for  
29 counts or ask for a TIA.  
30  
31 Nasir: Yes.  
32  
33 Weir: Any other discussion from other Members of the Committee? Go ahead  
34 Mark.  
35  
36 Dubbin: I'm just saying, I don't see any conflict in the interpretation of the code.  
37 Really it seems pretty clear.  
38  
39 H-Rogers: Did you need a motion?  
40  
41 Weir: Take a motion or Rocio do you feel that you've got clear direction from the  
42 discussion that's taken place or would you prefer DRC to make a formal?  
43  
44 Nasir: I did get clear direction, but I don't know if we, I do want to have the clear  
45 direction as to what is in the code is clear in the sense that if you don't

1 meet one of those criteria then you're not required to have that. I don't  
2 know how to word that.  
3  
4 Weir: I think Katherine's going to entertain a motion here.  
5  
6 H-Rogers: I'd like to make a motion that in terms of interpreting the code, if these  
7 criteria that are outlined in 32-407(1) are not met, then the Traffic Engineer  
8 has the ability to request a trip generation and possibly a TIA based on  
9 that. Is that clear?  
10  
11 Nichols: That's clearer. Could we get a Reader's Digest version of that?  
12  
13 H-Rogers: That was pretty much a Reader's Digest version. I don't know.  
14  
15 Nichols: Well I was thinking if you refer to the section instead of that criteria,  
16 something of that nature.  
17  
18 Weir: Can I get a second and then we can discuss?  
19  
20 Nichols: Yes, okay.  
21  
22 Nasir: Second.  
23  
24 Weir: So do you want to clarify?  
25  
26 H-Rogers: I will clarify. This particular section of the code outlines certain triggers  
27 before the Traffic Engineer should be able to request a trip generation and  
28 subsequent TIA if needed.  
29  
30 Weir: And you agree with that Rocio as the second?  
31  
32 Nasir: Yes.  
33  
34 Weir: Discussion. Hector do you have anything?  
35  
36 Terrazas: Looking for the Reader's Digest of the Reader's Digest version.  
37  
38 H-Rogers: Right. Why don't you state it?  
39  
40 Weir: What I heard was if none of these thresholds are met, the Traffic Engineer  
41 will not ask for a traffic count, trip generation, or TIA for the project.  
42  
43 Terrazas: My interpretation of that is, I think and Rocio knows, the issue that we  
44 have is when do we know if it's, because one of the warrants or I guess  
45 that we're looking for is already congested area. So do we go back to

1 status quo? If we know it's a congested area, maybe Rocio doesn't know  
2 but maybe Traffic does, we can still go ahead and ask for that.  
3  
4 Nasir: Yes, because I'm not violating the code. I'm saying that if it is, because  
5 the Traffic Engineer has, it says "May warrant a study if there are issues  
6 as determined by the Traffic Engineer over traffic safety or congested."  
7 And those are things that when they first come, they might not be aware of  
8 them themselves because they might not even have hired an engineer,  
9 and that's why they're there.  
10  
11 Weir: Question that I heard Hector use the term "Recommend." What if the  
12 applicant doesn't take your recommendation? How do we procedurally  
13 handle that?  
14  
15 Terrazas: As far as they don't want to do a TIA?  
16  
17 Weir: They don't want to do the traffic counts or they don't want to do the, you  
18 used the term "We recommend you do a traffic count."  
19  
20 Terrazas: No, as far as if they don't want to do a TIA because they're saying "No, my  
21 development's not going to create a 100 trips." Okay, our book says it is,  
22 then they can always, I recommend they give us something as far as give  
23 us actual counts or similar location, similar volume, but I'm still going to  
24 hold them to the full-blown TIA unless you can prove me otherwise.  
25  
26 Nasir: And that's where the traffic counts come. I'm assuming that you're having  
27 ...  
28  
29 Weir: Are you comfortable with that? Because I what I see the discussion taking  
30 place is, you're saying that you have an application, you don't see any of  
31 these thresholds being met, but then when the Traffic Department or  
32 Traffic section of Public Works sees this, they're asking for it, instead we  
33 have the ability to ask for this. We believe these thresholds have been  
34 tripped. How do we proceed from there when we have the developer  
35 saying "I have not met any of these requirements?"  
36  
37 Nasir: The way I read the code is it's up to Traffic Engineer to determine what the  
38 safety hazard is and that it is already a congested level of service D. So if  
39 the Traffic Engineer is saying that it is a safety and is proving it and saying  
40 that the level of service D then it's a mute point, that they do need to do it,  
41 but I wasn't aware of it.  
42  
43 Weir: I feel like in a chicken and an egg situation.  
44  
45 Terrazas: I see where you're going and it is that. Rocio's kind of in between, right?  
46 She doesn't know if it's a level of service D right?

1  
2 Weir: Right.  
3  
4 Terrazas: Telshor she knows now, but she probably didn't. But she tells the  
5 applicant "No, you're not going to need it." And then when it comes to our  
6 review, then we tell them "Yes, you're going to need it." So that's where  
7 she's kind of.  
8  
9 Weir: And then we're going to make you pay to prove that you need it.  
10  
11 Terrazas: Exactly.  
12  
13 Weir: I think that's where we all get put under the microscope.  
14  
15 Terrazas: And like you said, Community Development wants to push them out, but  
16 the end of the day Public Works takes over that so it becomes a long-term  
17 legal and safety issue for the City.  
18  
19 Weir: Let me ask a question. So the motion that's made, how does that resolve  
20 that situation?  
21  
22 Terrazas: It kind of doesn't. That's why I was like the Reader's Digest of the  
23 Reader's Digest.  
24  
25 Weir: Okay.  
26  
27 H-Rogers: So this is just a process question in terms of what we require at the time of  
28 building permit. Isn't it possible even thought it's not under our code, to  
29 always ask for an estimated trip generation at the time of building permit  
30 so that we have that information? I mean I realize that that doesn't just  
31 say how many peak hours will be produced by this use. Can we do that?  
32 Will that solve the issue? Because then we've got this number and then,  
33 or is that just going to make a whole bunch of people angry to request that  
34 as a part of the building permits.  
35  
36 Terrazas: That would work for me, but that would be like an undue burden for a  
37 smaller thing that we'd know it's not going to generate that. So it's a fine  
38 line right. It's fine line with type of development and where it's located.  
39  
40 Weir: Let me just ask a question. So what I'm familiar with, with trip generation  
41 is you go to that green book, you look at the use, you either do peak hour  
42 or AADT for the day and you create that number. Does that have to be  
43 prepared by a registered engineer or professional engineer or is that  
44 something that (*inaudible*) tech can put together.  
45  
46 Nasir: If he has the books, yes.



1  
2 Terrazas: I think we'll need the full-blown TIA.  
3  
4 Nasir: Because that one has just been like you said you just go to the book, look  
5 at what business you're developing and then come up with the generation  
6 of traffic without going outside and actually counting.  
7  
8 Terrazas: And that's for counts. Now if we're not going to meet the threshold and  
9 we're like "Yes, the book says that's one issue." And then the other issue  
10 is you're already in a congested, you might just be creating 50 trips, but  
11 you need to do some kind of deceleration lane to get traffic off of it.  
12  
13 Nasir: Let me tell you why I don't have a problem when I said, for example  
14 Telshor, I could say "Oh, you know you don't need it." But then Traffic is  
15 going to come back and say, "No it is already a level of service D."  
16 Because I can according to the use you don't need it, unless you have a  
17 level of service D or it's a traffic safety issue and that really covers the fact  
18 that I am saying you don't need it. But once you start looking at it, then  
19 you realize based on.  
20  
21 Weir: So what I see it goes back to Katherine's comment earlier, did we have  
22 level of service maps just like we have a major thoroughfare plan when a  
23 subdivision comes in and it's on a collector or arterial, we know we need to  
24 get that right-of-way. So the missing thing out here on the threshold is, is  
25 we don't have that level of service D, you almost have to evaluate that on  
26 a case-by-case basis. And that's where we're getting into issues.  
27  
28 Terrazas: And I think just like Rocio said, she said it doesn't look like it, but once  
29 Traffic looks at it, there's a safety or any concerns there, then I'd be fine  
30 with that. If that's what the motion kind of.  
31  
32 Nichols: Mr. Chairman. You have a motion on the floor and a second, so if you're  
33 going to change it we need take care of that one first.  
34  
35 Weir: Is there any other discussion or does anybody want to take a vote on the  
36 motion as proposed? My understanding of the DRC, we all get to vote.  
37  
38 Nasir: Yes.  
39  
40 Weir: Everybody at this table. Hector, any other comments or are you  
41 uncomfortable with what's?  
42  
43 Terrazas: No, I'm comfortable. If Rocio has a little (*inaudible*), then you don't meet  
44 the trips but if it's a safety issue.  
45  
46 Weir: Is that included in your motion Katherine?

1  
2 Nasir: Because it's written in there.  
3  
4 H-Rogers: It's written there. I think part of the, correct me if I'm wrong Rocio, part of  
5 the issue was that Soo was basically asking for ...  
6  
7 Nasir: Count for everything.  
8  
9 H-Rogers: Trip generation, these counts for everything even if it wasn't a level of  
10 service D or a traffic safety issue. That was part of the problem.  
11  
12 Nasir: Yes.  
13  
14 H-Rogers: And she's trying to avoid that. Because he was looking at it, as  
15 determined by the Traffic Engineer and missing the rest of the statement.  
16  
17 Weir: But what I've heard in the discussion is, he's saying I don't know what it is  
18 and I need the additional information to determine whether it's level of  
19 service D or not.  
20  
21 Nasir: But that's the part that is written here. The Traffic Engineer needs to  
22 determine it's a traffic safety or it's a level of service D.  
23  
24 H-Rogers: The Traffic Engineer has to determine it's a level of service.  
25  
26 Weir: So everybody's comfortable with the request for traffic count, it's just he  
27 has to based on that count say yes it's a level of service D, now I can ask  
28 for the TIA.  
29  
30 Nasir: Actually he needs to already determine. He already has to determine that  
31 there is a traffic safety in that there is a level of service D, then he's going  
32 to ask for the traffic count. And then based on that traffic count, then he's  
33 going to ask for the TIA.  
34  
35 Terrazas: It goes back to kind of like you said, do we just ask for traffic counts for  
36 everything. That'd be fine. I mean like that's be fine but is that really ...  
37  
38 Nasir: Necessary.  
39  
40 Terrazas: Is that really necessary.  
41  
42 H-Rogers: Because that's what Soo's already doing.  
43  
44 Weir: Okay.  
45

1 Nasir: And it's spelled there. That's the part I was saying, on the very first it says  
2 smaller development may warrant a study if there are issues as  
3 determined by the Traffic Engineer. So the Traffic Engineer already  
4 determined there is a traffic safety in that there's a level of service D. So if  
5 that's it, then it's mute. Then we move forward to a TIA and if the  
6 applicant says "No, I don't want to do a TIA." I said "Okay, then let's do a  
7 traffic count, and if you're over a hundred, that's it. You're done."  
8  
9 Weir: So the motion meets the understanding.  
10  
11 Nasir: Yes.  
12  
13 Weir: We all ready for a vote.  
14  
15 Dubbin: Point of order Mr. Chairman. I believe there are only four departments  
16 represented at DRC. I think Facilities has left us.  
17  
18 Weir: I think we still have a quorum.  
19  
20 Dubbin: We do sir.  
21  
22 Weir: Okay. Thank you. I'll take a vote. Andrew.  
23  
24 Wray: Aye.  
25  
26 Weir: Rocio.  
27  
28 Nasir: Aye.  
29  
30 Weir: Hector.  
31  
32 Terrazas: Aye.  
33  
34 Weir: Mark.  
35  
36 Dubbin: Aye.  
37  
38 Weir: Larry.  
39  
40 Nichols: Aye.  
41  
42 Weir: Karmela.  
43  
44 Espinoza: Aye.  
45  
46 Weir: Katherine.

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H-Rogers: Aye.

Weir: I'm going descent, but that's my prerogative. It's still passing.

**V. ADJOURNMENT (10:42)**

Weir: Is there anything else the group would like to discuss today? Okay. With that I'll take a motion to adjourn.

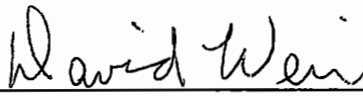
Wray: So moved.

Dubbin: Second.

Weir: All those in favor.

MOTION PASSES UNANIMOUSLY.

Weir: We're adjourned at 10:42.

  
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Chairperson